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HONOLULU, H. T., TUESDAY, JANUARY 26, 1904—SEMI-WEEKLY.

WHOLE No. 2558.

THE IMMIGRANT STATION WILL SOON BE BUILT

The Government Accepts the Traphagen Plans and Will Push Things.

Mr. Traphagen Chosen to Supervise the Work. An Appropriation of \$30,000 is Now Available and Perhaps More.

(SPECIAL CABLE TO THE ADVERTISER.)

WASHINGTON, Jan. 25.—Architect Traphagen's plans for the U. S. Immigrant Station at Honolulu have been accepted here and he has been chosen to supervise the work. No time will be lost in beginning construction.

ERNEST G. WALKER.

The above dispatch from the Advertiser's Washington correspondent was received yesterday forenoon. Architect Traphagen first heard the news from the Advertiser and Collector of Customs Stackable, who is the custodian of all Federal buildings here, was apprised of the fact in the same manner.

Architect Traphagen said that the formal news would probably come to him in the mail and Collector Stackable and Immigration Inspector Bechtel may also be notified that way.

There is an appropriation of \$30,000 ready for the erection of a building, filling in the site and for all other work in connection with the structure. When Commissioner of Immigration Sargent was in Honolulu last year, he was in hopes that he would be able to start the building before the year was out. He was then heartily in favor of an immigrant station being given to Honolulu, as he deemed this one of the important parts of the government. Those who have been in Washington since Mr. Sargent's visit, say that he was always enthusiastic over the matter.

That Architect C. G. Traphagen was selected to supervise construction is no surprise, for the Supervising Architect of the Government at Washington, Mr. J. Knox Taylor, knows Mr. Traphagen personally, and it was known that he would favor his appointment.

The site as definitely chosen, is on the filled-in section Waikiki of the Bishop wharves, and adjoining a strip of land belonging to the Bishop Estate which borders on the street running past the Honolulu Iron Works. There is need for a large amount of filling in to be done before any construction work can be started. Some time ago it was proposed to fill the site with dredgings from the harbor, pumping it across the intervening space, as was done in the greater portion of the adjacent grounds. If the filling-in process is to be paid for out of the \$30,000 this sum will dwindle away very fast. If Commissioner Sargent has been able to secure other funds for this purpose so that the original appropriation can be devoted entirely to the erection of the building, Honolulu will have a model station.

It is to be of frame, two stories in height, with quarters for aliens who may be detained for either a short or long period, for those who have been ordered deported, for stowaways, etc. It will naturally be in charge of the Immigration officials here, its custody to rest in Collector Stackable, as the representative of the Treasury Department. Only citizen labor will be employed on the structure.

OLD CHINAMAN HANGS HIMSELF ON ALGAROBIA TREE

An old Chinaman made a sensational attempt to commit suicide at an early hour this morning. Another Chinaman happened along just in the nick of time, otherwise a dead body would have hung from an algarobia tree at the corner of Beretania and Nuuanu streets.

Last evening the old man said to a number of Chinese that he was aged, poor and hungry and that he would buy twenty-five cents' worth of rope and hang himself. The other Chinese then locked him in a room. He broke away and got the rope. Then he wandered for a couple of hours about the streets. Another Chinese spied him carrying the rope and thinking that there would be trouble followed him. On Nuuanu street, just above Beretania, the old fellow fell into a ditch. He picked himself up and, crossing the street went in among the algarobia trees and climbed one. Soon his body hanging from a limb. The man who had been shadowing him gave the alarm. He shouted policeman what had happened. A policeman, with vast astuteness, to a telephone to call up the station.

In the meantime the Chinese hustled to the tree and lifted the body of the old man up just enough so that the noose which held him slipped and allowed the would-be life-wrecker to drop to the ground. He was on his feet in a minute and stoutly resisted the efforts of the other Chinese to hold him. Finally he was held on the ground in the mud until the patrol wagon arrived. The old fellow begged the officers to permit him to have the rope and complete the job. Partly in Hawaiian and partly in Chinese he moaned: "I die. Let me die. No money, no work, and no grub. Let me die." The police did not see matters in the same light and hustled him off to the station where the jailer declared he would keep such a good watch over the prisoner that there would be no further chance for suicide before morning.

Judge S. B. Dole goes to Hilo in the Kinau to hold a term of the Federal Court. He will be accompanied by J. J. Dunne, Assistant District Attorney; Deputy Marshal F. L. Winter, Frank Hatch, deputy clerk, and Miss Gurney, the Judge's clerk.

The Republicans of Kauai held a luau on Saturday at Nawiliwili.

QUEEN'S HOSPITAL TO BUILD \$45,000 WING

May Stop Free Treatment Under Loss of Subsidy—More Free Than Pay Patients Were Treated Last Year.

The Trustees of the Queen's Hospital held their annual meeting on Saturday. Out of the twenty members of the board there were fifteen present, including Vice President F. A. Schaefer, presiding, and Secretary Geo. W. Smith.

E. Faxon Bishop was elected to the board in place of Henry Waterhouse, resigned.

NEW BUILDING ORDERED.

The Trustees decided to proceed with the erection of a new wing on the Ewa side of the main building. It will be a brick structure to cost \$45,000. The money is to come from a special fund, which cannot be used for any other purpose.

THE YEAR'S WORK.

The report of the Superintendent for the past year was read. Its most significant showing was the fact that more patients had been treated free than had paid hospital charges. With the withdrawal of the Government subsidy for legal reasons, as lately announced, the Trustees may refuse to afford any more free privileges, either to Hawaiians or foreigners. Such a decision would shut out indigent sufferers altogether, excepting those who might be accommodated in endowed beds or admitted on the order of charitable societies.

Following is the report of Superintendent Eckardt. Besides what has been mentioned, it shows that the institution received from pay patients \$28,000 and out less than the amount of its current expenses:

REPORT OF SUPERINTENDENT.

To the Trustees of the Queen's Hospital.

Gentlemen: I herewith beg leave to submit my report for the year ending December 31st, 1903.

Number of patients in the hospital on January 1st, 1903, was 70; number admitted, 713; total number treated, 783, as against 752 in 1902, 817 in 1901 and 865 in 1900.

The number of deaths, 44 in a total of 783 patients, gives a percentage of about 5.6 per cent, as against 6.12 per cent in 1902, 8.44 per cent in 1901 and 9.94 per cent in 1900.

The diseases treated were as follows: Pever, 76; rheumatism, 27; debility, 7; syphilis, 22; ulcers, cysts and tumors, 63; disease of the eye, ear and nose, 26; diseases of the nervous system, 42; diseases of the circulatory system, 15; diseases of the absorbent system, 32; diseases of the respiratory system, 59; diseases of the digestive system, 82; diseases of the cutaneous system, 23; diseases of the urinary and generative system, 90; diseases of the organs of locomotion, 25; diseases of the cellular tissues, 19; injuries and accidents, 153; poisonings, 14.

Nationalities represented were: Hawaiian, 206 males, 72 females; U. S. A., 137 males, 26 females; Porto Rico, 55 males, 31 females; Portugal, 44 males, 6 females; Germany, 26 males, 7 females; Japan, 19 males, 2 females; England, 19 males, 1 female; Sweden, 19 males, 1 female; Norway, 15 males, 1 female; Ireland, 8 males, 2 females; Denmark, 7 males, 2 females; Scotland, 5 males, 1 female; Poland, 2 males, 1 female; Mexico, 3 males, 1 female; West Indies, 2 males, 1 female; China, 17 males; Finland, 8 males; France, 5 males; Austria, 4 males; Belgium, 3 males; Canada, 3 males; Russia, 3 males; Manila, 2 males; Greece, 2 males; Nova Scotia, 2 males; Spain, 2 males; Roumania and Samoa, each 1 female; Australia, Cuba, Gibraltar, Guam, Holland, New Foundland, New South Wales, New Zealand and Rothuma, each 1 male.

The number of admissions has been 713, viz: 248 Hawaiian (183 males, 65 females), 15 Chinese, 22 Japanese and 427 other nationalities.

Discharged, 673, viz: 194 Hawaiians (163 males, 61 females), 15 Chinese, 20 Japanese and 414 of other nationalities. Died, 44, viz: 22 Hawaiians (15 males, 7 females), 2 Chinese, 2 Japanese and 18 of other nationalities.

of spinal column and ribs, 1; strangulated hernia, 1; syncope during chloroform anesthesia, 1; uremia, 3; valvular heart disease, 2.

Two patients died within 12 hours, 5 within 24 hours and 2 within 48 hours of admission.

The number of patients treated during the month was: January, 115; February, 128; March, 136; April, 128; May, 140; June, 143; July, 131; August, 119; September, 116; October, 110; November, 112; December, 120.

Daily average during the year, 65. Amount received from pay patients, \$14,541.30; amount of current expenses, \$42,691.76.

There have been 53 major and 128 minor operations and 10 post-mortem examinations. The major operations comprised the following:

Amputation of both legs, 1; of leg at knee joint, 1; through thigh for traumatic gangrene, 1; Alexander's operation, 1; appendectomy, 18; cervical laminectomy for compression of cord, 1; double salpingo oophorectomy for bilateral ovarian cyst, 1; for tubal pregnancy, 2; exploratory laparotomy, 2; exploratory laparotomy for gunshot wounds of abdomen, 1; excision of fecal fistula, 1; of old calcified hydatid cyst of liver, 1; enucleation of left eye ball, 1; gastrotomy, 1; herniotomy for strangulated hernia, 2; inguinal herniotomy, 6; nephrotomy, 1; perineal prostatectomy, 1; radical operation for hydrocele, 1; salpingo oophorectomy and ventrofixation, 2; salpingo oophorectomy, 2; suprapubic cystotomy for vesical calculus, 1; trephining and removal of fragments in depressed fracture of skull, 1; vaginal hysterectomy, 1; ventro fixation, 1; wiring spinous processes of vertebra for dislocation of vertebra, 1.

Of the 783 patients treated during the year, there were 333 pay patients, who were charged as follows:

99 patients at \$3 per day, 2127 days	\$ 6,381.00
206 patients at \$1.50 per day, 4841 days	7,261.50
30 patients at \$1 per day, 541 days	541.00
for 52 operations	615.00

335 patients, 7509 days \$14,798.50

40 patients occupied Endowed Beds, 2308 days.

244 Hawaiians were treated free, 9907 days.

164 foreigners were treated free, 4271 days.

Total number patients, 783; total number hospital days, 23,995.

The endowed beds have been occupied as follows:

Bishop Bed No. 1 by 3 patients, 331 days.

Bishop Bed No. 2 by 7 patients, 258 days.

Bishop Bed No. 3 by 8 patients, 202 days.

Bishop Bed No. 4 by 5 patients, 254 days.

Corniot Bed by 6 patients, 202 days.

Irvin Bed by 5 patients, 231 days.

Hackford Bed by 5 patients, 265 days.

Foster Bed by 1 patient, 365 days.

A total of 40 patients, 2308 days.

The number of patients in the hospital on December 31st, 1903, was 67, viz: 30 Hawaiians (27 males, 3 females), 1 Chinese and 36 of other nationalities.

20 paying. Of the pay-patients, 11 were U. S. Marine Hospital, 6 private and 3 ward patients. Of the 8 endowed beds 7 are occupied and of the 40 free patients, 27 were Hawaiians, 19 Porto Ricans, 2 Americans and 1 Spanish.

Respectfully submitted,
JOHANNES F. ECKARDT,
Superintendent.

PRESENTED WITH STOLEN GOODS

Otto Gertz, who recently returned to Honolulu from the coast, at the police station yesterday afternoon swore out a warrant for a man named Stanton on a charge of larceny.

Gertz says that shortly after he left for the coast this man went to see his mother and told her that he was working for the Oahu Railway. He wished to rent Otto Gertz's cottage. Terms were agreed upon and the man occupied the cottage for about a month and a half. Then he disappeared. He paid no rent. Mrs. Gertz made inquiries and learned that the man told her an untruth concerning his work. She examined the cottage and found that rugs had been taken from the floor and that knives and forks and dishes were also missing. Otto made an investigation also and learned that a neighbor, Mrs. Kidder, had some of the lost articles. She is said to have told Gertz that Stanton gave her the goods as a Christmas present.

JAPAN MAY GET A REPLY TO HER NOTE THIS WEEK

Russia Orders Out Reserves and Japan Takes Military Control of Railroads.

Lansdowne, Londonderry and Balfour of Burleigh May Resign—Action in Iroquois Fire Case—Bills of Local Interest.

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, Jan. 26.—A reply to the Japanese note will possibly be delivered this week. The reserves have been ordered to be held in readiness for Far Eastern service.

TOKYO, Jan. 26.—An imperial edict has been issued assuming control of the railways of the empire for military purposes.

PEKING, Jan. 26.—China urges the foreign ministers to propose mediation as she is anxious to avoid war.

SEOUL, Jan. 26.—The reported landing of Japanese at Masampho is untrue.

BERLIN, Germany, Jan. 25.—The prevailing sentiment in the diplomatic circles of Germany is that the crisis has passed in the Orient. It is believed that Japan and Russia will be able to reach an amicable understanding. War is not expected.

DYNAMITE EXPLOSION AT WAIALUA CAUSES DAMAGE

The accidental explosion of a quantity of dynamite near Waialua plantation at 9 o'clock yesterday morning blew up a portion of a stable, wrecking it to the extent of about \$500.

The explosion of which only meager details could be obtained by telephone, was purely accidental. The dynamite was stored in the stable and in some manner was touched off. The explosion was felt at some distance from the stable.

At the time of the explosion it is believed that no one was near, and no one was hurt.

DELEGATE KUHIO THREATENS TO RESIGN HIS POSITION

In a letter to his brother, Delegate Kuhio tells of the incident which led to his arrest and brings up, once more, the idea of resigning his post. As to the affair of the saloon, the Delegate says:

"On the way down from the billiard parlor, I stopped at the Stand to purchase cigarettes (this is on the ground floor and the entrance to the building), when I heard cursing coming from the rear of the building, where there is a bar, and then an order by the proprietor to his bartenders to put a man out. In the rush-out the crowd did not seem to know who was being put out,—and I suppose I got a bit curious, too, to see the row. The first I knew one man brushed against me and another ran into me from the rear and then was rushed out by the mob. Staggering forward through the entrance I felt somebody hit me from the back and a second blow knocked me down to the sidewalk. It all happened so quickly I had not the opportunity to strike back and, upon rising, I asked for an explanation. Two fellows,—one turned out to be an officer in citizen's clothes,—said something to this effect, 'You shut up, you drunken nigger!' and then made a lunge at me. Three or four others, who undoubtedly knew the officer and, probably thinking they were assisting him, all jumped on me and I resisted—with but little effect, however. I was protesting against this outrage perpetrated on me when the patrol wagon arrived and two policemen roughly took hold of me, when I again protested to the arrest being unjustified, and asked who had placed me under arrest. The officer in citizen's clothes replied, he did, and showed his authority, the badge, upon my demand. I requested of the uniformed officers that the fellow who struck me and also the officer that placed me under arrest be taken along too; but the latter

told them, 'Never mind him; take the damned drunken nigger!' On arrival at the station with the two 'cops' I was charged with disorderly conduct, when I then again protested and demanded the arrest of the other two without avail. Then I told the clerk that I am a Congressman and that I thought a Congressman had some privileges exempting him from arrest while he is in attendance at the Capitol. He replied he thought there was no help unless I put up \$5 collateral, which I refused to do unless it be upon my own recognizance. The clerk again replied that I had one of two things to choose, either put up the collateral or be locked up. I had become enraged at the perpetrated outrage and I chose the latter."

On the subject of resigning the Delegate says: "If I cannot get any justice I will resign rather than have the stigma while in my official capacity." The "justice" which Kuhio seeks is an apology from the police and a reprimand to the officer who put a Delegate in Congress under arrest. As no such concession is likely to be made, the desire of Kuhio to resign, which has been frequently expressed of late, has been realized.

The Claudine's Mishap.

A diver was at work all of yesterday morning removing the tangled chain from the propeller of the steamer Claudine. The vessel was not seriously injured in her mishap on Sunday. It was necessary to saw the chain from the hub of the steamer's propeller but the blades of the propeller were uninjured.

S. S. America Maru on the Way.

A cablegram was received here yesterday stating that the Jap liner America Maru had sailed from San Francisco. Her trip to the Orient this time will only extend to Yokohama and Kobe, and

PROBABLE AMENDMENTS TO THE COUNTY ACT

Extracts From the Report of Former Governor Dole Which the Committee in Charge of County Law is Considering.

The recommendations of Gov. Dole, a reading of which led the House Committee on Territories to hold up the County Act for further amendment, are as follows:

On the 22d of April, 1903, "An Act providing for the organization and government of counties and districts and the management and control of public works and public institutions therein" was approved. On the same day I sent a message to the legislature, of which the following is a copy, recommending certain amendments to the said act:

I have approved the county bill "providing for the organization and government of counties and districts and the management and control of public works and public institutions therein."

There are, however, some features of the law which are, in my opinion, objectionable, and which should, for the sake of the clear understanding of such law by the public and its successful application to the objects intended, and for removing as far as possible all legal complications from the administration of public affairs under its provisions, be removed by amendment.

These objections are as follows:

Section 476 provides that "all property in the hands of any road authorities within the Territory on the 4th day of January, A. D. 1904, shall become the property of the county in which the same is located."

Section 477 provides, referring to the transfer of jail property to counties, that "all property so transferred shall be the property of the county."

Section 268, division 13, provides that "all fees or costs * * * arising from the sale or lease of property by this or any law of the Territory placed under the control of such county" shall be payable into the treasury of the county and used for paying county expenses."

As the greater part of the property which will be turned over by the Territorial government to the counties upon their organization will be public property which was transferred by the Republic of Hawaii to the United States under the joint resolution of annexation, and by the United States placed in charge of the government of the Territory to be cared for and maintained by it for its own use "until otherwise provided by Congress or taken for the uses and purposes of the United States" (section 91, organic act), the above provisions making such property the property of the counties, to be sold or leased by them, is an attempt to amend section 91 of the organic act, and also section 73, neither of which can be amended except by Congress.

The provisions referred to are unnecessary for the due administration of county government, as section 482 provides that it is "the intention of this act that in all cases where by this act any county officer or board is charged with the performance of any duties heretofore performed by Territorial officials the use of all property heretofore used by such Territorial officials, for the discharge of such duties shall be transferred to such county officer or board."

Chapter 69, relating to the transfer of Territorial waterworks to the counties where such waterworks are situated, is of doubtful legality as being inconsistent with section 91 of the organic act above referred to, for the following reason: Although under the provision of the organic act (section 56) authorizing the legislature to create counties and town and city municipalities * * * and provide for the government thereof, such public property belonging to the United States but held by the Territorial government which is obviously necessary for the internal administration of such subordinate governments, may be turned over to such governments for such purpose, the legislature has no power to go further, and the Territorial government may not, under the responsibility imposed upon it by section 97 and section 73, surrender such property as is not necessary for the internal administration of such subordinate governments.

It can not be reasonably argued that the conduct of waterworks is essential to the administration of county or municipal governments. It is a common status in many cities on the mainland that the water used by the inhabitants for domestic purposes is furnished by private companies.

The same reasoning applies to the proposed transfer of the apparatus and equipment used by the Territorial government in lighting streets and public buildings, as provided in chapter 70.

Section 171 provides that "the duties required by the provisions of chapter 10 of the civil laws of 1897, to be performed by the commissioner of boundaries, shall be performed by the county surveyor of the county in which the lands in question are situated."

Section 172 provides that the fees to be paid such commissioner of boundaries shall be paid into the county treasury. These sections attempt to amend section 73 of the organic act, which provides that the laws of Hawaii relating to the settlement of boundaries, except as changed by such act, "shall continue in force until Congress shall otherwise provide."

Section 384 provides that the Territorial board of public institutions shall provide for the care, maintenance, and employment of all inmates confined in any penal institutions in the Territory. This provision conflicts with the twenty-second division of section 22, which gives county boards of supervisors jurisdiction and power to provide for the working of prisoners confined in county jails under conviction of misdemeanor; and also with division 6 of

section 90, which provides that the county sheriff shall take charge of and keep the county jail and prisoners therein. Section 483 provides that "immediately after the passage of this act it shall be the duty of the Territorial board of public institutions by this act provided for to organize in the manner required herein."

As other provisions of the act refer to the 4th of January, 1904, as the time when such board shall begin to exercise its powers, the provision of section 483 must contain a mistake as to the time for its organization, which should be January 4, 1904.

There is some vagueness in the act as to the status of the superintendent of public works after the installation of county governments. I would recommend definite legislation making him the executive officer of the Territorial board of public institutions.

In view of the foregoing suggestions, I recommend immediate legislation amending the county act in accordance therewith.

A bill carrying out a portion of these recommendations was passed by the senate but failed in the house.

A more careful reading of the act discloses other defective provisions. A Territorial board of public institutions is created in chapter 64, to be composed of the governor, secretary, treasurer, auditor, superintendent of public instruction, and attorney-general of the Territory. This chapter departs from county matters and provides for the management of certain Territorial institutions, naming the capitol and judiciary buildings, charitable, reformatory, and penal institutions established and supported by the Territory, harbors, wharves, matters of pilotage and towing, with the sweeping clause that "the board shall have power to direct the general management of all Territorial institutions." These provisions would, if carried out, withdraw the management of the two reform schools from the commissioners of public instruction, of the insane asylum, and the leper settlement at Kalaupapa from the board of health, of the penitentiary from the attorney-general, of the harbors from the United States, and of the wharves from the superintendent of public works.

Section 483 of the county act required that immediately after the passage of the act, the Territorial board of public institutions should organize, and sections 484 and 485 required the board as soon as organized, to take control of all matters relating to harbors, wharves, pilots, and towing, and of all property used in connection therewith, and to assume the control, management, and maintenance of the insane asylum and the executive and judiciary buildings.

The board organized on the 1st of May, and on the 4th of May notified the superintendent of public works that the board had assumed the control, management, and maintenance of the harbors, wharves, pilots and towing, and requested him to deliver up the control and to furnish the board with an inventory of all the property thereof, and a list of all the employees connected therewith. On the next day, May 5, the secretary of the board received a letter from the superintendent of public works declining to accede to this request on the grounds that by virtue of his office he was charged with the control and management of the property and the work in question, and had no power to surrender such control and management; that the board had no legal existence and therefore no right to assume such control and management as claimed, that that part of the county act purporting to establish a board of Territorial institutions was illegal in that it was in contravention of section 45 of the organic act, which requires that each law shall embrace but one subject which shall be expressed in its title; that the whole act was illegal for the same reason, in that it contains more than one subject of legislation, to wit, section 267 providing for Territorial revenues, section 269 providing for Territorial charges, sections 381 to 391 creating a board of public institutions, section 407 appropriating all existing waterworks and systems, sections 415 and 416 appropriating all property used by the Territory in lighting streets and public buildings, section 417 appropriating all public markets, sections 476 to 482 appropriating and transferring property belonging to the Territorial government to the counties, sections 483 to 487 providing for the organization of the board of public institutions, and chapter 10 making appropriations of Territorial funds for the support of counties; that the legislature is without authority to modify or change the form of the Territorial government as established by the organic act, and that the board sought to be created by the county act, is illegal in that the power of appointment of members of boards of a public character is vested in the governor by section 80 of the organic act.

The board then instructed the attorney-general to bring legal proceedings against the superintendent of public works to compel him to conform to the provisions of the county act bearing on the question, and to the demand of the board. Such proceedings were begun in the circuit court in the form of an application for a writ of mandamus to the superintendent of public works. The case was heard and judgment given for defendant on the ground that "all the sections of the county act which relate to the board of public institutions are

illegal in that they attempt to amend section 91 of the organic act, and also section 73 of the organic act, which provides that the laws of Hawaii relating to the settlement of boundaries, except as changed by such act, "shall continue in force until Congress shall otherwise provide."

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(Continued on page 3.)

THE COURT HAS DECIDED

Supreme Court Long Ago Defined "Officer" and "Employee."

Recent doings in the official appointing line appear to have produced a question upon the difference between an officer and an employee of the Government. Could a Representative take the office of road supervisor of Honolulu within the term for which he was elected to the Legislature? This is the question in a concrete form.

The Supreme Court gave a lucid definition of the difference mentioned when deciding the matter of pay of election inspectors on Hawaii in 1902. The question arose then under the provision of law that no officer of the Government could draw two salaries where the sum of both was more than \$1200 a year. In the syllabus of opinion the court said:

"Within the meaning of this provision deputy sheriffs, public land agents and inspectors of election are officers, but public school teachers and clerks of election precincts are not."

In the body of the decision, when referring to the case of Kamano, a land agent, for whom a warrant of payment as election inspector was asked, the opinion says:

"There is no definition that can be applied to all cases as to what constitutes one an officer. But, in our opinion, one is not an officer where, as in this instance, the law does not recognize him by providing for his appointment or his pay or his duties, or in any way, but he is engaged by other officers to temporarily assist them and is paid according to his contract with them out of the appropriation for general expenses. He was a mere employee."

Regarding Messrs. Ray and Estep, principals of schools, the Supreme Court said:

"In our opinion public school teachers are not officers or holders of offices within the meaning of the statute. They are not appointed, strictly speaking. They are not required to take an oath or to give a bond. Their duties are determined for the most part by the Department of Public Instruction rather than by law. Their relation to the people or to the department is rather contractual than official. Their salaries are not specifically provided for by law but are paid along with other expenses out of a general appropriation in such amounts and at such times as the department determines. They do not exercise sovereign functions. Public school teachers are not generally considered officers elsewhere."

In conclusion the court decided thus: "Our opinion is that the Auditor properly declined to issue a warrant for the inspector Moanani, but erroneously declined to issue warrants for the other inspectors and the clerk."

Moanani was a deputy sheriff. His pay was voted directly by the Legislature. Therefore he was an officer. According to the foregoing the Supreme Court defines the law in a way to make it impossible for a member of the Legislature, during the term for which he is elected, to take the office of road supervisor or any other office for which the Legislature provides a specific salary.

A. S. HUMPHREYS MAKES A SCENE

Objection was raised in Judge Gear's court yesterday to the acting of A. S. Humphreys, practically, as associate counsel for his law partner, A. H. Crook, in the trial of Brewster vs. Church. Mr. Humphreys is not a practitioner in the Territorial courts, though one in the Federal court. Notwithstanding, he was on this occasion directing his partner continually in an audible tone.

Mr. Douthitt, the opposing attorney, at last objected to the interruptions. Mr. Crook claimed that Mr. Humphreys, being the agent of Mr. Brewster, had a right to advise his counsel in court. (It was part of the evidence in the case that Humphreys acted for Brewster, who is his brother-in-law, in making the tender of \$5000 mentioned in the court report elsewhere.) Mr. Humphreys rose in court to justify his conduct for himself. He taunted Mr. Douthitt with being a lawyer of "limited practice."

Judge Gear sustained the objection, which elicited from Mr. Crook the sarcastic remark, "Thank you, Mr. Douthitt." While the attorneys were holding high words toward each other, Judge Gear suggested that they might "meet on the grass after four o'clock."

Incompetent Jurors.

Three persons summoned from the Jury Commissioners' list of 250 "qualified to serve as jurors" were dismissed by Judge Gear yesterday because they were under age. Another was dropped out for inability to understand the English of the Courts. "Hard words" upset him. Judge Gear expressed surprise at the number of incompetent persons whose names were returned on this year's jury list. It is up to Jury Commissioners Riggs and McCarthy to explain.

The Department of Commerce and Labor has issued a bulletin on Hawaii made up from extracts from Thrum's Hawaiian Annual for 1904.

MAGOON OUT A THOUSAND

Fee Reduced and Justice Galbraith Objects to Any Fee.

By a majority decision the Supreme Court declares, in the matter of the guardianship of Rebecca Panee Humeiku, a spendthrift, the law as follows:

"A guardian who is an attorney at law may, in a proper case, be allowed extra compensation for professional services rendered for the benefit of the ward."

"Under the circumstances of this case, a fee of \$1250 held excessive and \$250 allowed as a reasonable fee."

Chief Justice Frear and Justice Perry sign the opinion, which is written by the latter. E. M. Watson, as next friend, appeared for the ward, and J. A. Magoon in person. Magoon was allowed a fee of \$1250 as his own attorney in resisting a petition by Mrs. Humeiku to terminate his guardianship of her. The allowance of this fee by Judge Gear was sought by the ward to be set aside, on the grounds that Magoon's contest was in his own personal interest and that the fee was excessive.

The majority opinion deals with the first ground thus:

"As we understand the argument for the ward, it is not contended that extra compensation may not in any case be allowed a guardian who is an attorney, for legal services rendered. Elsewhere the decisions on the subject are not uniform. In this jurisdiction it has become the established practice to allow such compensation in proper cases. See In re Estate of Kalua Kapukini, 14 Haw. 204; Magoon vs. Brash et al., 11 Haw. 204, and also In re Estate of Hiram Maikai, 3 Haw. 522. In the case at bar, Magoon's appearance and his resistance of the application were for the benefit of the ward; it was the guardian's duty, under the circumstances of the case, to appear and defend. Upon the record we find no reason for holding that the resistance offered was solely in the personal interest of Mr. Magoon."

On the question of whether the fee was excessive, the opinion goes into particulars of the services rendered. It presumes that Judge Gear was guided by the decision of Judge De Bolt in allowing Thomas Fitch, by consent of the ward in court, a fee of \$1250 for attacking the guardianship. In cutting down the fee to \$250 and remanding the case to the Circuit Judge for further proceedings, the majority says:

"In any event, this court is not bound by the standard of measurement adopted by the Circuit Judge. It may be added that no more can be allowed to Mr. Magoon than the latter as guardian would have been, under all of the circumstances of the case, justified in paying if he had employed other counsel; and in the latter event acting, as he was, in a fiduciary capacity, he would not have been at liberty to employ counsel at fancy figures, but it would have been his duty to bear in mind always the ability of the ward's estate to pay, as well as the other circumstances, and to secure assistance at a cost that would be reasonable."

Justice Galbraith, in a dissenting opinion says:

"The 'established practice' in this jurisdiction, of allowing additional compensation to administrators and guardians, for legal services rendered by themselves, rests upon no stronger ground, it seems, than an occasional allowance of such claim."

He quotes the Maikai case as the first adoption of the rule, saying that in that early decision "no attempt was made by the court to justify the adoption of the rule by argument or the citation of authorities of any kind."

The two subsequent cases cited followed the earlier case as an authority without question."

Proceeding, Justice Galbraith gives the gist of his opinion on the principle in the following paragraph:

"The practice of allowing fees, in addition to the statutory commissions, to members of the bar who may be guardians, or act in other trust capacities, for legal services is wrong in theory and pernicious in practice. It was never contemplated that the office of guardian should be one of great profit or that it should be sought on account of its emoluments. The position of guardian is not thrust upon one against his will. It is usually sought for, Philanthropy and not avarice is supposed to be the motive that should prompt one to seek the place."

An Illinois case decided in similar terms to the expressions just quoted is cited, and the dissenting Justice says:

"To permit Mr. Magoon the guardian to employ Mr. Magoon the attorney to represent the guardian in a lawsuit and allow him a fee of \$1250 or any other amount from the estate, would place the guardian in a position where his interest might oppose his duty."

It is argued that the "compensation for his services," which the statute allows a guardian, has been fully paid to Mr. Magoon in the commissions allowed him annually of ten per cent and seven per cent as prescribed by statute in such cases provided.

Tara McGrew in Spain.

Tara McGrew lately took a vacation in Spain from his studies in Paris. He saw the Alhambra and all the other fine places. He thinks Spain highly picturesque but the people insufferably lazy and dirty. Mr. McGrew writes that the land is full of mineral wealth and that it ought to belong to America so the mines could be properly developed.

OAHU LAND TRACTS TO BE SURVEYED AT ONCE

On Monday next a party of government surveyors will go to the western end of the island of Oahu for the purpose of surveying two large government tracts of land which are desired by homesteaders. The tracts are the lands comprised in the Paumaula section of 2010 acres, and Pupukea, containing 2353 acres.

There are a number of kuleanas involved in the tracts, and the surveyors will determine their boundaries. These will considerably lessen the area of both tracts, but when the complete acreage is definitely known, Commissioner Pratt will have a very fine lot of land to offer to prospective settlers.

There is one association of eight persons who have requested permission to take up lands in the district, and a number of individuals who have their applications on file.

CONSPIRATORS CONFESS GUILT

Yanehara, Kanazawa, Yamakawa and Sekimoto yesterday, at opening of the afternoon session of the third day of their trial for conspiracy, changed their plea to guilty. Attorney Watson made the announcement for them, but Kanazawa said on his own behalf that he did not believe he was guilty until he had heard the evidence.

Judge Dole discharged the jury from the case, thanking them for their patient attention. He remarked that a certain class of Japanese held to a low standard of morals as compared with the American. In America the American system must be followed and American laws enforced.

Others of the Ten Dollar Club will probably now plead guilty when brought to trial.

MEN FOUGHT IN BILLIARD ROOM

Shortly after seven o'clock last night there was a lively fight in a billiard parlor on Hotel street. The scrappers were E. Manuel de Souza, a soldier from Camp McKinley who is well known among his fellows because of the fact that he has a large bank account and always has considerable money in his possession when arrested, and H. Howard, a white man. After being arrested the men tried to continue their fight and it was with considerable difficulty that they were landed in the police station. De Souza had over fifty dollars in his pockets and after being placed in a cell spent four or five hours in crying.

WILSON'S FATE SEALED IN A LETTER TO HOLLOWAY

Charley Wilson's protest to the executive committee of the Republican Territorial Central Committee was answered after two meetings had been held to discuss the matter, and it is rumored that the committee's former action was sustained. A letter was sent to Superintendent Holloway last evening by Chairman Crabbe announcing the result.

The committee held a meeting during the forenoon. Its deliberations were secret, but the pow-wow could be heard beyond the committee's rooms. No decision was reached then. The committee adjourned at 11 o'clock to meet again at 4. The deliberations ceased before 5 at which time a letter was dictated to Superintendent Holloway.

Wilson's attorneys, Robertson and

Stewart, were present at the opening of the morning session, but upon the committee deciding to go into executive session, they were excluded. One question discussed was as to whether the proxies held by J. A. Gilman and W. H. Hoogs for Baldwin of Maui and McStocker of Hawaii, were valid under the rules. The votes by proxy on the previous consideration of Wilson and Clark were used against the two men. The claim was presented that under the rules, this was not allowable.

If the committee did sustain its former action, Superintendent Holloway will undoubtedly revoke the commission of Wilson and appoint Sam Johnson as Road Supervisor. As a matter of economy the Garbage Department, over which Johnson has presided, may be merged into the Road Department, with Johnson at the head of both.

SMALL RISKS OF FIDELITY COMPANY

Editor Advertiser: Replying to your attack upon the assets of the Fidelity Insurance Co., in this morning's Advertiser, I wish to state that according to the last statement filed with the Deputy Insurance Commissioner there is not a single share of the Honolulu Investment Co's stock included in the assets of the Fidelity, and in reference to the purported statement of Assistant Attorney General Fleming as to "what would happen if the Company had to meet any considerable loss by fire," I will state that it would be impossible to have any considerable loss by fire, for the good reason that we have not a considerable amount of policies outstanding, and furthermore, on account of the way we have our few risks scattered we could not lose more than \$500 on any one fire, unless the entire city of Honolulu was destroyed by fire; and even if that should happen the Company has more than enough of good assets to enable it to pay every loss.

EMMETT MAY.

Honolulu, Jan. 26, 1904.

The slackening of trade in the East is decimating the Unions. Frederick W. Job, secretary of the Employers' Association of Chicago, says that their membership in that city has gone down 30 per cent. In New York the threat to suspend building operations on large contracts is having its effect. Mechanics and artisans have to live and when employment begins to ease up, their desire to get and stay on a payroll overcomes their zeal to do so only at the caprice of a walking delegate.

Here the "boys" of Honolulu will be given in regular order all opportunities to play their games and become manly and promising attributes of the Territory. The grounds and track will be opened in March with a field day open to all clubs of Honolulu in contest for a valuable silver trophy. This will be followed by a field day for the "boys" themselves and the general opening of the grounds for sports.

The scheme is the realization of long cherished plans of Theodore Richards, superintendent of the Boys' Brigade, who has for three years hoped to fulfill his ideas of "mens sana in corpore sano."

KOHALA FRANCHISE TO BE SOLD ON FEBRUARY 19

Governor Carter sent instructions to Land Commissioner Pratt yesterday by wireless from Kohala to advertise the Kohala Ditch franchise to be sold on February 19. Commissioner Pratt wired the Governor on Thursday asking the latter to set the date.

Commissioner Pratt is preparing the draft of the advertisement, and it will be inserted without delay.

MR. SHAW IS ENTERTAINED

By Heads of Departments at Alexander Young Hotel.

Earl B. Shaw, son of the Secretary of the Treasury, was entertained at dinner at the Alexander Young Hotel yesterday afternoon, by the heads of Territorial departments on the invitation of the Attorney General.

The party sat down to a fine spread at 1 p. m. and rose at 2:30. Mr. Shaw sat between Federal Judge S. B. Dole and Attorney General Lorrin Andrews, the rest of the company being C. S. Holloway, Superintendent of Public Works; A. N. Kepolai, Treasurer; A. T. Atkinson, Superintendent of Public Instruction; J. H. Fisher, Auditor; J. W. Pratt, Commissioner of Public Lands; Walter E. Wall, Surveyor, and George E. Smithies, Deputy Insurance Commissioner.

Mr. Shaw was decorated with leis. His health was drunk, as was that of the President of the United States. In responding for himself Mr. Shaw said he was delighted with the islands and regretted very much he had not a chance to see more of them. Wherever he went he could only speak favorably of Honolulu and the people. He thanked the officials kindly for the attentions shown him.

After rising from the table the hosts, with the exception of Judge Dole who had to return to court, escorted Mr. Shaw to the steamer Coptic, where they gave him a Honolulu sendoff upon his voyage for the Orient. Like their guest, they all went forth enwreathed with leis and looked altogether a distinguished crowd.

To the regret of the other officials, Dr. Cooper, president of the Board of Health, was unavoidably detained from attending the dinner.

PROBABLE AMENDMENTS TO THE COUNTY ACT.

(Continued from page 2.)

repugnant to section 80 of the organic act and therefore void; and that they are not so intimately connected with other parts of said county act as to invalidate the latter, but that on the contrary the rest of the said county act is severable and can stand without the invalid portions." An appeal was taken from this decision to the supreme court, and the case is still pending in that court.

Section 80 of the organic act referred to by the defendant and the court, provides among other things that the governor shall nominate and, by and with the advice and consent of the senate, appoint the members of all boards of a public character that may be created by law, and may make such appointments when the senate is not in session by granting commissions which shall, unless such appointments are confirmed, expire at the end of the next session of the senate.

The provisions of the county act appropriating certain property, under the present control of the government of the Territory, raises some embarrassing questions. The greater part of this property is covered by the provisions of section 91 of the organic act, which places its control and management in the government of the Territory of Hawaii, until otherwise provided for by Congress, or taken for the uses and purposes of the United States. This enactment suggests the question whether these provisions, transferring such property from the control of the government of the Territory to the subordinate governments created by the legislature, require the approval of Congress.

These provisions transferring public property to the counties were evidently intended by the legislature as grants of ownership or title. Section 477 of the county act referring to the transfer of jails and property used in connection therewith, says, "all property so transferred shall be the property of the county and subject to the control of the board of supervisors of such county." A similar provision appears in section 476 in relation to roads and bridges. Section 22, division 6, authorizes county supervisors to sell at public auction any property belonging to the county not required for public use. Jail property is mainly real estate, a large part of the public waterworks, of the fire department property, of the public electric-lighting plant for Honolulu, and of the public markets are also real estate. Such provisions for transfer of public property being inconsistent with section 73 of the organic act which continues in force Hawaiian land laws until Congress shall change them would seem to require for their validity the approval of Congress.

Section 171 purports to transfer the duties and authority of the commissioners of boundaries to the surveyors of the respective counties. As the laws providing for the boundary commissioners are a part of the Hawaiian land laws continued in force by section 73 of the organic act, this provision must also be invalid unless approved by Congress.

It would appear from these references to the organic act that the transfer of such real estate as is necessary to the administration of county affairs should have been a transfer of the use only in the nature of a trust.

In a drunken row in Kakaako last night four Japanese got too handy with knives and were gathered in by the police on charges of assault with weapons.

FIDELITY CO. SHRINKAGE

Its Net Assets Melt Away Under Close Scrutiny.

The net assets of the Fidelity Insurance Co., as filed in the Insurance Bureau, were valued at \$101,412.98. Deputy Commissioner G. E. Smithies, however, after a careful estimate of the items reduced the valuation to \$38,456.83, or nearly two-thirds less than the company's figure.

Among the assets as presented by the company are 300 shares of the Honolulu Investment Co., put down at \$24,000, or \$80 a share. At the latest quotation of the stock in the market, which was on October 24, 1903, the shares sold at \$5.50. The authentic value of the stock—if it has any at all today—would make the block of 300 shares in question worth just \$1,650.

"The thing is juggled so much," Assistant Attorney General Fleming said yesterday, "that you cannot tell what the assets of the Fidelity Co. are really worth."

"What would happen if the company had to meet any considerable loss by fire? It simply could not pay anything."

JOHNSON DISPLACES WILSON

Captain Sam Johnson assumed control of the Road Supervisor's department at 12 noon yesterday, vice Charles B. Wilson, whose services were dispensed with by Superintendent Holloway. The change was effected after the receipt of the letter, spoken of in yesterday's Advertiser, from the Republican Territorial Central Committee, containing the result of its deliberations on Friday regarding Wilson. The letter strongly endorsed Johnson.

Charles Wilson was notified of the result of the same meeting in a letter from the committee as follows:

"I am instructed to acknowledge the receipt of your communication of the 21st inst., and would state that the Executive Committee of the Territorial Central Committee of the Republican party took no action at its meeting held this day regarding the continuance or non-continuance of yourself in office."

Wilson made reply to Chairman Crabbe as follows:

"Sir: I hereby appeal, under Article VI, Section 7, of the Rules and Regulations of the Republican party, from the action of the Executive Committee, had on the 19th inst., and on this day upon the matter of my continuance in the office of Road Supervisor, upon the following grounds, to-wit:

"First. Upon the grounds set forth in my letter to yourself, dated January 21st, 1904, hereto annexed and marked Exhibit A, and made a part hereof; and upon the further grounds, namely:

"Second. That the action of said Executive Committee upon said letter was illegal.

"Third. That the action of said committee in proceeding to consider and decide said matter of my continuance in office in my absence, after the receipt of said letter, was illegal.

"Fourth. That the consideration of this matter in secret session was illegal.

"Fifth. That the final decision in secret session of any matter affecting the substantial rights of a Republican and the omission thereof from public record, is illegal."

Superintendent Holloway in a personal interview notified Wilson that a change in the Road Department was necessary and he thereupon deprived him of his office, conferring it immediately upon Johnson.

Wilson says that he intends to fight the action taken by the executive committee.

Sam Johnson, who will be at the head of the combined road and garbage departments, on taking office, got rid of the "hoodoo chair." As so many of his predecessors have been unfortunate, and all have used the same chair, Johnson declined to take it, and fired it out of the office.

EMMETT MAY MAKES DENIALS

Editor Advertiser: Referring to the article published in your paper of the 22nd instant in reference to the Fidelity Insurance Co., in which you quote Mr. Smithies as follows: "Its assets as shown by statements are principally realty." * * * "Each piece, with the exception of the twelve leasehold, is subject to a mortgage." If the Deputy Insurance Commissioner made the statement, as contained in the last quoted sentence, he states that which is not the truth. The statement of the Attorney General, as quoted by you, "They never put up a cent of money," and that the "Honolulu Investment Co. has never paid a dividend," is also absolutely false.

EMMETT MAY.
Honolulu, Jan. 23, 1904.

At the groceryman's.
"Half a pound of tea, please."
"Black or green?"
"Makes no difference; it's for a blind man."

WANTS A SHEEP RANCH

Investor Waiting for Chance to Pick One Up.

Among the prospective investors from the mainland who are looking around Hawaii are some who want ranch properties. There is a young man from Utah now here awaiting an opportunity to pick up some sheep or cattle lands, with a view to engaging in the business on a large scale. It was his purpose to take over the Puuloa sheep ranch which was bought last week by A. W. Carter, but he is holding on looking up other propositions. For the past three years the young man has looked after several large sheep ranches in eastern Utah, western Colorado and a portion of Wyoming, where the sheep were numbered by tens of thousands. He has had ample experience in the sheep, as well as the cattle business, and believes the field in Hawaii is a favorable one.

"I have been visiting the slaughter houses since my arrival," said he yesterday, "and have come to the conclusion that there is a need of strengthening up the breeds. The cattle are thin and the flesh looks a little tough to my eye. The most of the cattle I have seen over there do not look as if a new breed had been crossed in thirty years. Cross the breeds here and look after them carefully and the Hawaiian ranches can produce good beef."

"The sheep, too, are measly-looking animals. Why, I could kill a good-sized jack rabbit over in Utah or Colorado which would look more like a sheep than many of those brought to Honolulu to be slaughtered and put in the markets."

"I am still hanging around and believe that I'll get a chance to take up a ranch somewhere in the islands."

YALE PRESS GREET'S HAWAII'S GOVERNOR

The Yale Alumni Weekly has the following editorial on Yale Territorial Governors, which has special reference to Governor Carter. There is also a picture of the Governor, a brief narrative of his career and some extracts from the Advertiser and from the inaugural address. The editorial is as follows:

"The inaugural address of Governor Carter of the Territory of Hawaii to which reference is made elsewhere is the address of a man who feels the responsibility of his position, and, at the same time, is glad to take up the work for his native country. One or two of the American newspapers have quoted the address freely, getting a little fun from it because the Governor seems to take himself so seriously. It is not the kind of a political address one hears very often in this country and almost never from a veteran in politics. So much the better. It has the ring of sincerity and the serious enthusiasm of youth. The Governor intends to be taken seriously and if he is, as Governor of the same stuff as he was as college student—if he is to be man among men as he was boy among boys, which is quite likely; if he is to rule the territory as he swung starboard stroke or as he created vacuums in the immediate vicinity of tackle, or as he stripped Sophomores or Freshmen off the fence, according as the occasion indicated, we believe that people will decide it was good, square dealing on his part to give them notice now that he was going to be serious about this business of being governor. We agree with the New York Sun in the belief that Governor Carter will find that he will not have to sacrifice so many friends or so many of the sweet pleasures of life, as he anticipates. However, we know he will sacrifice anything that is necessary for the common good, which is the main point.

"Unless we mistake not, Governor Carter took office while yet Governor Taft reigned at Manila, which is the same as saying that the four great outlying territories of these United States of America were all under Yale control. With the Hon. John Brady, Yale '74, Governor of Alaska; the Hon. William Howard Taft, Yale '78, Governor of the Philippines; the Hon. William Henry Hunt, Yale '78, Governor of Porto Rico, and the Hon. George Robert Carter, Yale '88 S., Governor of Hawaii, the Harvard administration at Washington appeared with an unusually strong backfield. Now that one of them has been called into the line, where he will be along side other Yale players, the team may be said to be remarkably well balanced."

AN EDITOR'S OPINION.—John S. Dawes, Esq., editor and proprietor Guardian and Star, Hokitika, New Zealand, said: "I have found Chamberlain's Cough Remedy a very valuable medicine, having received great benefit from its use when suffering from a cold, and as a preventive for croup in children its excellent properties have been testified in my family." For sale by all dealers and druggists, Benson, Smith & Co., Ltd., Agents for Hawaii.

He—Suppose we found a mutual admiration society. I will begin by saying I admire your beautiful eyes. Now, what do you admire in me?
She—I admire your taste.

CARTER'S HAWAII TOUR

A Constant Round of Festivity for the Executive Party—Luaus, Speechmaking and Sightseeing.

PUHUE (Woods Ranch), Jan. 20.—Governor Carter was greeted by a salute of dynamite (seventeen guns) off Mahukona this morning. The Kinau had a very rough trip; she bucked head winds for almost the entire distance and across the channel to Hawaii met a big swell. The government (both Carter and Atkinson) was in serious straits for the entire distance, as the Governor remarked at the dinner table. Even Admiral Beckley said it was one of the roughest trips he had experienced, although the Kinau behaved admirably. High Sheriff Brown left the ship at Kawaihae, where he was met by Sheriff Andrews; the two will journey overland to Hilo.

A change was made in the plans of Forester Hosmer, who was intending to go to Hilo with A. W. Carter, and then make a tour of Hamakua and Kohala. Hosmer joined the Governor's party and will meet A. W. Carter later in the forests near Waimea.

RECEPTION AT MAHUKONA.

The Governor's party was given a great reception at Mahukona. It repaid for the hardships of the sea-trip. The party that disembarked was composed of Governor George R. Carter, Secretary A. L. C. Atkinson, Private Secretary Frank Creedon, Forester Ralph S. Hosmer, R. H. Trent, who is on wireless business, and J. T. McCrosson, who is looking up Kohala ditch matters, also embarked here. The party were greeted with marine signal flags "Welcome" and "No Water to Drink in Kohala."

The party had a bad time landing. A high sea was running and it was impossible for the Kinau to come very close in. The small boats were used, and just as the Governor's party left the Kinau two oars snapped, and for a time it looked as if the wind might carry the little boat out to sea. The native crew, however, succeeded in bringing the boat alongside again and she was equipped with fresh oars. Then amid the booming of the dynamite salutes, and with the aid of Secretary Atkinson at an oar, the party was safely landed, just at eleven o'clock—about six hours late. Senator Palmer Woods, Frank Woods, H. L. Holstein and A. B. Loebenstein met the party here.

LUNCHEON AT THE FRAZIER'S.

A party of eleven sat down to a very tasty luncheon and breakfast combined, at the cozy Frazier home at Mahukona. In the party were Mr. and Mrs. D. A. Frazier, Governor Geo. R. Carter, Secretary A. L. C. Atkinson, R. H. Trent, Admiral Geo. C. Beckley, A. B. Loebenstein, Frank Creedon, Palmer Woods, H. L. Holstein and E. A. Hosmer. Leaving the Frazier home the party rode to the Woods Ranch at Puuhue, the wind blowing a fearful gale, making the drive rather a long one.

The stop at the comfortable Woods Ranch was made only long enough to greet Mrs. Woods, and the Governor and party were again in the saddle for a view of the upper forest lands.

THE KOHALA RANCH.

The Kohala Ranch of Senator Woods is about 17,000 acres in extent. Some 3500 cattle roam its broad fields. Its beef is as noted as the generous hospitality of Senator and Mrs. Woods. The juicy roasts are of a quality unknown in Honolulu and more than one member of the party was tempted to leave the capital forever on that account alone.

The ranch house is at an elevation of 1847 feet and the atmosphere is clear and bracing. But little attention is paid to horticulture on a large scale, although Mrs. Woods has some of the finest flowers on Hawaii. The Woods ranch leis have a reputation all over the big island, second to none. Roses bloom in profusion, violets, heliotropes and rarer buds are easily grown. The Japanese beetle is, however, playing havoc with the roses of Hawaii. Strawberries and raspberries grow abundantly and Senator Woods has peach trees in blossom and with fruit on them.

The Governor's party made its headquarters at Palmer Woods' ranch for three days.

THE KOHALA DITCH.

MAHUKONA, Jan. 20.—"We are ready to go to work on the Kohala ditch the moment the government grants us the franchise," said J. T. McCrosson, the active representative of the Parker interests in the big ditch scheme, on the Kinau today.

"I understand that Governor Carter will put the franchise up at auction next month and we intend to start on the surveys at once. The Hawaii Ditch Co. has been organized for three years now, and has always been ready to go ahead. Preliminary surveys have been made for some time and we have received estimates from O'Shaughnessy, both of the cost and the length of time it will require to build it. As soon as the franchise is sold we will begin on the working surveys."

"The new franchise, the terms of which have just been published, suits us better than the first one, and we are ready to bid on it, with the conditions named. No, I do not anticipate that we will have to go to Congress for a ratification after the franchise is granted by the Territorial government. The Secretary of the Interior has already ruled that the local government has the right to sell the leases, and I believe if we began work there the general land laws of the United States would protect us. We are ready to go ahead now."

"It is our intention to build the ditch to supply not only Kohala, Union and

Hawai plantations but also over to the other side to supply water to the Hamakua plantations.

"We are ready to bid on the franchise now. I believe one of the Gehrs is in the East, the other is in Hilo; I don't know what they intend to do."

It is reported that the Parker-McCrosson interests now have a lead pipe clinch on the franchise, that is they hold the Bishop Estate and Bishop Museum leases for long periods, and without these properties the franchise is valueless. The Bishop lands will have to be crossed on both sides and the Parkers certainly don't intend to grant any rights to an opposition company. The Parker interests also are said to have made agreements with the plantations most interested for the purchase of their water.

THE RECEPTION TO CARTER.

KOHALA, Jan. 21.—Never since the days of Kalakaua, say the natives, has any one been given such a reception as was accorded to Governor Carter at Kohala here today. All along the way natives met the party, and long before its arrival at Kohala court house, the Governor was loaded down with more leis than his horse could conveniently carry. Not even Queen Liliuokalani, it was said, was given such a hearty reception by the natives of the district. For it was far more a Hawaiian gathering than anything, else, with a luau at noon, followed by a public meeting, and a reception and a dance in the evening.

ON THE WAY TO KOHALA.

The party left the Kohala Ranch, Palmer Woods' place, at seven o'clock this morning. Half way to Kohala the party was met by E. E. Olding, who had previously conveyed Forester Hosmer over the district. Mr. Olding is the forester for Kohala. After a brief stop at Dr. Wright's place, where the Governor was shown the green-house and what are said to be the finest orchids on the islands, the party proceeded to Pololu Valley where there is a large tract of government land, passing through growing cane fields on the way.

ANOTHER EXCHANGE.

The tract is one of 3500 acres and just at present there is a proposition before the government from the Bishop Estate for the exchange of a two and a half acre lot in Honolulu for the magnificent valley. The proposition is somewhat similar to that of the Boardman lot exchange and the government is also opposed to this new deal. The Bishop Estate offers in exchange for the beautiful valley two and a half acres in Honolulu, in Nuuanu Valley above the McIntyre property, which could be used as a park. The Bishop Estate wants in addition to this valley \$600 in cash or Manoa valley taro lands of that value. The Pololu Valley is one of the prettiest pieces of land on the beautiful island of Hawaii. It consists of 3500 acres and is at present under lease to Akina, a Chinese, who has it in rice cultivation. Not all of the 3500 acres of course, for the greater part of the land is unavailable for cultivation, being both rocky and hilly. It is now inaccessible by sea. The present lease expires some time this year, but it is safe to say that the Bishop Estate offer will not be accepted. Akina also wants a new lease on Pololu Valley and the adjoining valley.

A KAMEHAMEHA DITCH.

From Pololu the party rode back a few miles where was shown a ditch of the workmanship, supposedly of the time of the first Kamehameha. It was as much of a work of art as some of the more pretentious wooden and stone tunnels of today, and in those days served its purpose very well. The ditch, or rather tunnel, for it is dug through solid earth and in some instances hard lava, is several miles in length and is hollowed out at a depth of thirty or forty feet. Stone and wood instruments were used in the work, and it must have required years to complete it. The ditch level was reached by digging out a hole, hardly large enough for one man to work comfortably, and he dug on through to the next excavation. There are dozens of these large holes and a stream of pure water still runs through the ditch.

AT THE KOHALA CLUB.

The next stop was at the Kohala Clubhouse, where the party rested for an hour. All along the way natives on

foot and on horseback were met and every now and then the Governor stopped to greet children or old men and women, who placed leis of malle and roses about his neck.

THE LUAU.

The luau was a most elaborate affair, the party arriving there about eleven o'clock. The Governor being given a noisy demonstration by the assembled natives. Old Honolulu friends were met in the person of Senator Kaohi and Representative Kaniho, both members of the present legislature, and Deputy Sheriff Stillman, formerly court interpreter for Judge Humphreys. Other men notable at the gathering were W. P. McDougall, Judge Atkins, O. P. Tulloch, Henry Hooke, A. K. Eldridge, R. K. Naipo, and others equally prominent. The girls of Kohala Seminary, with the teachers, all clad in the pretty blue dress of the school, were on hand in a body. They were responsible in a large measure for the decoration of the court house and for the luau, which was gotten up on one day's notice.

The interior of the court house was hung with malle and ferns, and the tables were covered with ferns, while at each place was a fiery red hibiscus. The good things to eat were piled upon and all the usual Hawaiian delicacies, being dished out in plenty. The Rev. S. W. Kekuewa, chaplain at the regular session of the House, said grace, while everyone stood.

Governor Carter with Secretary Atkinson sat at the head of one of the side tables, while in the center were the bright young ladies of the seminary. The tables were set in a square with the girls in the center. Five different times were the tables filled, and over one hundred were accommodated at each sitting. But the supplies lasted through to the end. After several hours of feasting the crowd gathered outside the court house and were given an opportunity to tell of the needs of the district.

KANIHO TALKS.

To Representative Kaniho, the well known author of the famous lady-dog bill, was given the honor of presiding at the meeting. He introduced the Governor in a few brief remarks.

CARTER TALKS IN HAWAIIAN.

Governor Carter talked both in Hawaiian and English. H. L. Holstein acting as interpreter for the English speech. The natives were immensely tickled at being addressed in their own language and they applauded vociferously.

"I have been appointed as Governor of the islands. As you see I am a young man; I have not a full command of the Hawaiian language, but I can understand it better. I am working for the best interests of the country and I know that I can rely on you for your assistance."

THE ENGLISH ADDRESS.

"I am exceedingly gratified to have the first public reception ever tendered to me as Governor of Hawaii, given almost exclusively by Hawaiians," said the Governor, "because I feel that I am among the Hawaiians and I am not afraid or bashful as when among white people. I feel a good deal as you feel and you must not feel shy with me. If any of you come to Honolulu, go upstairs in the Capitol building and I will be glad to see you at any time. (Three cheers and applause.)

"That's the boy," said the crowd. "He's our boy."

"The new administration is one that desires to serve the people. We are public servants, I am the servant of you all; you see that any servant who has so many masters cannot do things to please all of them, but I hope to please the hapanui (majority) and if there is any public servant, any man drawing a salary from the Territorial government that treats one of you, the humblest of you, in a way improper and without due consideration, I will consider it a favor if you will let me know, for we will have none of those men in the employ of the government. The law is not out of the reach of the poorest and most humble man, nor is the richest and most powerful above it.

"After I am through here, I want to hear from you, the people. I do not want to monopolize all the time but there are a few things I want to know from you—I wish to know what your wants are."

(Continued on Page 5.)

SMALL FARMING IN A VOLCANO CRATER

Small farming in a volcano is an unusual pursuit and such a location for an agricultural enterprise is decidedly unique, but an enthusiast is making the most of his opportunities in this line in the crater of Punchbowl. The crater of Punchbowl is not of such a nature that successful farming cannot be carried on, for the basin has only a slight depression from the rims, the soil is fertile and algarobas grow there with great rapidity.

In the center of the crater some one has erected a small shanty, the ground surrounding it has been tilled and a crop of vegetables has been started. The floor of the shanty is made of wires stretched crosswise from the baseboards and covered over with boards and sacking. The sides are enclosed with gunny-sacks and the roof is made with straightened out tins of oil cans. A scupper composed of oil can tins leads to a spout of the same material which empties into demijohns. In this way a supply of water is conserved, which is valuable in irrigating the crops between rains.

The shack does not appear to be used for a home at present, as its interior is bare of furniture. Its most important role at present is for its roof to catch rain.

Hawaiian Gazette.

Entered at the Postoffice of Honolulu, H. T., Second-class Matter.

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FRIDAY : : : JANUARY 26.

THREADBARE TACTICS.

Appeals to morbid conscientiousness in upright but inexperienced judges is a worn out method of obstructing justice. On behalf of corporations and individuals, it has been tried upon some of the best judges in the United States. On thoroughly bred and trained judicial officers, it has about as much effect as pouring water on a duck's back. If litigants, through unconscious attorneys, could throw out the best men on the bench by groundless suggestions of disqualification, they could practically select their own tribunals.

The late Ogden Hoffman of San Francisco was one of the most highly educated judges in the country and occupied the Federal Bench, as District Judge, for more than forty years. There never was a breath against his impartiality, uprightness and competency, and during his whole judicial life, he was socially intimate with leading attorneys, with other judges and with heavy business men. It was not at all uncommon for people to attempt to mention cases, that were doubtful, to him or before him, in order to induce him to retire from their consideration. But it was useless. Every case was heard and decided by him on its merits and, when he died, the apotheosis to his memory was without dissent. He left an immaculate reputation for his collateral descendants, for he never married, and it is a fine reflection for the people of California that his spotless luster has never been tarnished through his successor. He was a bright example, but there are many others.

In New York, in Massachusetts, in Pennsylvania, and in other States, this worn-out tactic has been attempted. In a litigation pending in 1902, one of our own judges, who was super-sensitive, allowed himself to be nagged out of a case he was trying, and after a day and a half, transferred it to one of his associates, of equally good standing. The statutes of Hawaii upon the subject of disqualification are enigmatical, and were apparently framed upon erroneous ideas. For example, the Constitution of the Republic prohibited a judge or magistrate from sitting on a new trial of any case in which he had rendered the judgment. Above all other men, the judge who has tried a case that has been reversed on appeal, is the judicial officer before whom the new trial should take place.

The theory and the practice of the law are that every judge is presumed to be qualified and just, and that the presumption can only be overcome by plenary evidence. He is supposed to be capable of maintaining all the ordinary relations of life and, at the same time, on the bench, to try every case, without fear, favor or affection, applying the law with an even and firm hand and with rigid impartiality. It is only right to say that, in the United States, in which during its existence the volume of litigation has been enormous, the proportion of judges who, through their personal lavishness, their bad habits or more directly, were susceptible to "influence" has been very small. In exceptional instances, clearly proved, the remedy is with the appointing power or the electors. Personal character and experience are the only sure guarantees against corruption, for which the undiscoverable opportunities are numerous. In this respect, fixed public opinion, which is seldom wrong, is the best criterion. An American judge, who is fit for his position, will neither lean towards nor against his friend or enemy. He is simply the voice of the law, which is impersonal and consistent. This standard, though high, is not hypothetical, but is fully reached in thousands of American courts and, as applied to facts, has been sustained by tens of thousands of American jurors.

Next year's review of San Domingo-Jimenez and his rebels capture the capital and repudiate the American claims which the former government had conceded. Minister Powell withholds recognition. This encourages other rebels to rise against Jimenez. They get the wink from the American legation and make a strong fight, getting the Jimenez forces or the run. Capture the capital, force the American Minister and fleet and offer a treaty of annexation to the United States. The Senate ratifies the treaty and San Domingo comes in. Trouble brews with Hayti and that country, after a brief passage at arms, is benevolently assimilated. Railroads are built, plantations are laid out and tourists advertised for. More sugar for the Trust.

Burton's get-rich-quick scheme got him into trouble once before when he advertised the President as being in favor of it. That cut off the Kansas Senator from the White House calling list. Now he may be dropped from the Senate calling list as well. All in all Burton is the poorest specimen of a Senator Congress has seen since the time of his Kansas predecessor, Subsidy Pomeroy.

Hawaii and Maui are finding that the condition and the theory of County government are not even second cousins.

THE WAR SECRETARYSHIP.

Of Elihu Root, the retiring Secretary of War, President Roosevelt has said: "He is the ablest man I have known in our government service."

This eulogium, though strong, was deserved. Mr. Root's administration of his high office, when the relative conditions are considered, was not surpassed by the great War Secretary, Stanton. A New York lawyer, of marked ability and learning, with a heavy practice, when he was appointed Secretary of War, he was hardly known beyond the limits of his profession. In moderate circumstances, his acceptance of the position involved serious pecuniary sacrifice. Now his reputation has been permanently fixed in every part of the globe, and, in the United States, his position is commanding. In the close study and mastery of details, he has fairly rivaled Presidents Cleveland, Harrison and Roosevelt. The march of General Chaffee to Peking for the relief of the legations, was the result of his initiative, in which he showed the qualities of a statesman and a soldier combined. His work in Cuba, which has been completed, is known and appreciated among intelligent citizens of all parties. It is not perhaps common information that he wrote the Platt amendment to the treaty with Cuba, substantially as it was adopted. In his administration of the Philippines, his great qualities have been generally recognized. Perhaps his foremost achievement was the organization of the General Staff for the benefit of the army, which was a radical change and was stoutly resisted, but has already proved of such remarkable efficiency that the system may be extended to the navy.

These are leading points, but a volume would not contain the facts which, taken together, have covered Secretary Root's share in the Administration with glory. For such a man, voluntarily retiring, it was difficult to find a substitute, and President Roosevelt has displayed a high order of intelligent discrimination in the selection of William H. Taft.

Like Mr. Root, William H. Taft is a lawyer, who won distinction in his profession, who was raised to a high judicial position, and who surrendered the chance of an appointment to the Supreme Court of the United States, in order to serve his country in the most difficult administrative situation in which it has been placed. Mr. Taft looks great and he is great. Without affectation or pretense, American to the core, his breadth and depth of intellect, his rapid comprehension of facts, his quick perception of human nature, his promptness and accuracy of judgment, and his gentility of manner, are a combination seldom paralleled. As a judge he would have gained renown and passed into history as one of its worthies. But it is as an administrator that his most lasting and most useful success has been gained. His Philippine experience was the exact preparation he needed for the post to which he has now been raised. As Secretary of War, he has before him a field, not altogether new to him, but which will try him to the uttermost. It is a safe prediction that he will fill the place of Mr. Root and fully vindicate the perspicacity of the President.

PRESS AND PROMOTION.

The way San Francisco business concerns support the newspapers in their efforts to advance the interests of that community, is aptly illustrated by the number of copies of the recent special edition of the Chronicle which are being received here from the San Francisco connections of local houses. The mercantile establishments of the coast metropolis are making an organized distribution to their correspondents of this special number. The advantage to the City and State must be very great and such support of the paper by the merchants enables it to issue an enormous pictorial edition, full of special articles, without too great loss to itself.

Few people have any idea of the heavy expense of getting out special editions of papers. It happens more often than not that the sale price does not cover the cost of stock and presswork leaving the literary and mechanical part to be paid for by special advertisements or subsidies. Such support to the press as this has resulted in the wonderful immigration to California in the past year or two; newspapers going further to interest and instruct people than any other form of literature used to advertise public resources and being themselves a concrete evidence of the state of business prosperity about them. Illustrated newspapers on a large scale. The regular staff on any daily are worked to their limit in the ordinary routine and special editions mean extra and high priced help, selected for their ability to handle the subject treated. On a paper of a considerable number

THE PANAMA CANAL.

The relations between the United States and Colombia have been fully ventilated, and now even the factious minority in the Federal Senate appears to have been driven into acquiescence in the course pursued by the Administration. An illuminating speech, however, lately made by Assistant Secretary of State Loomis, before the Quill Club of New York, conclusively proves the degradation of the Colombian Congress, by which the discarded treaty was rejected. He shows that the Colombian Government wanted delay, so that the franchise to the French company for the construction of the canal would lapse, and the forty millions to be paid for the work done be turned into the Colombian treasury. An election was ordered, in which the population of Colombia was disfranchised and the vote cast by the soldiers and government employees, under the direction of Dr. Marroquin, then the president, who also controlled the count. A unanimous vote on the treaty, therefore, was easily secured, and the opportunity furnished that Panama quickly and effectually seized.

The intermittent war fever is at it again with a rising temperature.

PLANT TREES.

Early in the last century, some of the European powers saw the great necessity of forests, and not only advocated the preservation of forest trees, but established schools for instructing persons in the work, so that a knowledge of the trees best adapted to certain localities and soil should be available for the more rapid reproduction of what was being so recklessly destroyed. Then the power of government was applied to protect what was necessary to the life of man in sustaining climatic balance and security from the terrible suffering caused by lack of rainfall. Our impression is that this care is still observed, its importance having been fully sustained.

One example of the destruction of the forest trees is fully and fearfully manifest in the once fertile island of St. Thomas, now a barren waste and but little inhabited or cultivated. The trees and shrubs once so dense and vigorous were all cut for timber or firewood. Once the small streams had been protected by the forest shade from the force of the sun's rays, and at the same time every trunk and leaf formed a natural lock for retarding the rush of the current to the ocean, so giving time for absorption and soil nourishment. Now all is changed, and a storm of heavy rainfall rushes down the unobstructed course of the denuded river banks and is soon lost in the great ocean. So the fertile soil is washed from the surface, and the island has become a comparatively unproductive and abandoned country.

This same state of things is going on to a far greater extent than is generally known or appreciated in our own country, and may only be recognized when it is too late. The object of the present article is simply to suggest once more the importance of the subject and to urge a fuller inquiry into methods whereby the Government may protect the remaining forests of the country, and replace those that have been destroyed. Forest trees are not grown in a season like crops of grain or vegetables, and a strong reason should appear before a single tree is cut down or destroyed. The healthful effect of the atmosphere in and around great forests is too well known to need further comment, and the influence of forests upon rainfall has been conclusively proved on all parts of the earth's surface.

With an expert forester engaged by this Territory from the Federal service to superintend the conservation and propagation of forests, we ought to anticipate results of revolutionary magnitude, even within the lifetime of the majority now living, in the increase of forest wealth upon these islands. Trees grow with amazing rapidity here, wherever a given species has congenial soil wherein to take root.

SIMPLE LIVING.

The man back east who explains how he lives on fifteen cents a day does not exhibit a tempting menu, but he lays claim to perfect health. His food is the simplest and the nearest to nature, and he eats but little. After all, eating is the source of most of the ills that flesh is heir to, and those who eat least, like the desert tribes, live the longest. The trouble is that eating has, in large measure, become a social rite. We eat in company and hence in courses; we strive to excel others in the bounty of the table or if not, to show that prodigal feasting is at our command. Generally one is sorry next day for the excess and seeks, by an infallible instinct, to right the wrong done nature, by semi-fasting on plain and simple food. It does not take long for the milk toast and the soft-boiled eggs and the fruit to put one right again. And they would have kept one right from the start.

The fifteen cent a day philosopher is as much of an extremist in his way as the gourmand is in his. Although he has fine health he would be none the worse for adding a few more simple things to his menu and thus avoiding the peril of satiety. But he strikes many true notes, particularly in his dissertation on corn meal as a stand-by and as compared with patented breakfast foods. His corn meal costs him an eighth of a cent a pound and he claims, we think justly, that he gets more nutriment from it than he can obtain from breakfast foods. The meal, if unadulterated, has its full percentage of natural force; but the corn and wheat from which breakfast foods are made, have something taken away. They are desiccated and devalued. Plain corn meal was the cereal food of the most splendid races of Indians on the North American continent; and it was the staple, with potatoes, dairy products and home-made wheaten bread, of the rugged New England farmer. As mush, fried or boiled, as Indian pudding and in the form of hot cakes, corn meal is worth all the patented breakfast foods that ever beguiled the readers of magazine advertisements. If one, for the sake of variety alternates it with rice—the chief food of the most tireless toilers in the world—no other cereal is needed. The two are incomparable in the places on one's menu which are now occupied by the Almostfoods and Nextcorns of the roller mills.

Cuba, having got reciprocity, raises the tariff on American imports not covered by the treaty. Her gratitude may exist but it is not obtrusive. To the average Latin American, whom, under Providence, we took off the hands of Spain, Uncle Sam is a gold mine to be worked. And the pity of it is that he encourages the idea.

Perhaps Col. Lynch would not have got off so easily if he had done more harm in the field. Owing to the jealousy of the Boers the Irish brigade did not get much of a show. Probably Lynch could prove an alibi when it came to a charge of shedding British blood.

CITIZEN SOLDIER.

The importance of a militia, composed of citizens, in the United States, can hardly be exaggerated. It is distinctly in the interest of domestic peace and furnishes a reservoir for the production of trained soldiers in case of war. It backs discipline with intelligence and with patriotism and, when necessity arises, stands for the equal enforcement of the law. This country needs only a limited standing army, for, as in the Civil War and in the war with Spain, out of the militia and volunteers, habituated to the restrained use of arms, all the soldiers required can be speedily drawn and an aggressive or defensive force mobilized.

The American militia has been noted for its intense devotion to the flag and all it symbolizes. It represents neither capital nor labor distinctively, but the nation with its institutions, its constitution and its laws. In Illinois, in Pennsylvania, in Colorado, and in other States and Territories, it has exhibited its moderation and its efficiency. In the event of a foreign war or of internal broils, neither of which is at present threatened, the territorial militia would be a guarantee of protection. It is well manned, well drilled and essentially patriotic.

In the New York Independent, within a few weeks, Jack London wrote: "No workman can be true to his class and at the same time be a member of the militia—this is the dictum of the labor leaders." * * * "To be a member of the militia is to be a traitor to the union, for the militia is a weapon moulded by the employers to crush the workers in the struggle between the warring groups."

These of course are not the views of Mr. London himself, but his interpretation of the views of labor organizations, as enforced by their leaders. They are grossly inaccurate and unjust and are founded upon an obvious falsehood. The militia is equally indifferent to labor and to capital, as such, although its members naturally, as all intelligent Americans do, would sympathize with labor and with its legitimate combinations, pursuing lawful ends by lawful means. With them it has never interfered. But it has properly been employed to prevent or quell violence, for which, not the mass of wage-earners or their properly organized unions, but fraudulent and lawless walking-delegates, were responsible. Capital, never, or rarely, has attempted to break the law by the use of force. Its ordinary methods are lawful, and, when it seeks illegal ends, it resorts to fraud and bribery, which the ordinary tribunals of the country, at the last year has demonstrated, are both able and ready to expose, to arrest and to punish. Corruption, however, is not confined to capital but has been practised by assumed representatives of labor. The law is equally competent to deal with either.

The Socialists in Germany tried to emasculate the German army, but they ignominiously failed. In the United States, the militia so far has proved itself above contamination by illegal aggressiveness, no matter from what source it emanated. If capital sought to resist by armed Hessians the execution of a judicial decree, and the ordinary power of the law was inadequate to its enforcement, the militia would respond with the same deliberate impartiality which it has always exhibited when outrages were perpetrated, in the name of unionized labor but without its genuine sanction, upon non-union wage-earners.

There is no class of citizens, to whom the law and the flag should be more sacred than workmen, whether skilled or unskilled. No man is above the law and all men need the law, honestly and fearlessly administered, for their protection. In our history, the militia has only been used, when necessary, for the enforcement of law, and it has never yet proved recreant to its trust.

AMERICAN POLITICS.

Since the removal of the old hackneyed subject of slavery, American politics has become simply a matter for the ups or the downs, the ins or the outs, illustrated by the fable of the bear and the fox.

A certain fox suffering the pangs of thirst discovers a well on the outskirts of a farm yard. From the shaft and wheel above the well are suspended two buckets; the one goes down empty as the other is drawn up full. After futile effort to work the mechanical problem, and the craving for water overcoming his judgment and caution, he jumps into the upper bucket to sip the few drops that remained from the last draw; and, of course, the preponderance of weight carried him speedily to the bottom, while the other bucket went to the top. The predicament is serious and his reflection active. His solitude is disturbed by the voice of an inquisitive bear, who, suffering from thirst, wishes to know how the fox was so fortunate as to get within reach of the water. "Oh," said the fox, "I am here also to avoid the hunter's hounds, who are tracking me with great fury, and should they overtake you, the consequences are inevitable. Be advised in time and come here in security. Just jump into the bucket above and you will come down gracefully and be enabled to slake your thirst and be secure from all danger."

Into it he jumps and down he goes, while the cunning fox in the other bucket is drawn to the surface. Looking over the edge of the well at the bear, he provokingly informs him that this is nothing but a law of gravity. "One goes down as the other goes up. One in and the other out."

GOLD MEDAL FOR THE NON-COMS

A handsome gold medal has been presented to the First Regiment, N. G. H., by the officers to be won in competition by the non-commissioned officers. The award will be made to the noncom by regular army officers. The medal is on display in Wichman's window.

OBSTACLES TO WAR.

There are some potent causes which operate in these days to prevent war: (1) The debts of European nations are so great and taxation is so heavy, that a foreign war, if indecisive, thereby increasing both debt and taxation, is likely to cause a perilous amount of discontent at home.

(2) If the result of the war is decisive, other powers may combine to keep the victorious one from getting the prizes for which it fought. Russia got nothing out of her war on Turkey other than the protection of some of the Christian subjects of the Turk under other flags than her own. She was foiled of Constantinople. Later, in the victorious war with Greece, she was foiled of Thessaly. When Japan whipped China, she was permitted to get only a part of the recompense which China ceded to her, losing the Liaotung peninsula—which includes Port Arthur—and the suzerainty over Korea, both of which were vital to her interests. It doesn't pay to fight for spoils that may be snatched away by outsiders.

(3) War plays such havoc with commerce that all powers which share the trade of a threatened country use their influence to protect it. Thus, in the present Far Eastern crisis, the commercial nations are directing their advice towards a compromise.

(4) Commercial nations are usually able to prevent the issuance of a foreign loan to belligerent powers. So far Japan and Russia have not sold any bonds though both have issued paper. If the money-market abroad is closed to them they will have to look at home for funds. It is doubtful that Japan could do so to advantage; nor is Russia favorably situated for domestic borrowing on a large scale. She prefers to seek funds of the French who, so far, are wary of the proposal.

(5) The balance of power is disturbed by war and Europe wishes to maintain that balance as it is. Had the United States sought, in 1898-9, to annex portions of Spain, continental Europe would have organized against her. Political balances, in the Old World, are things not lightly to be disturbed. In Asia, the matter is less acute than in Europe, but it counts.

(6) As a recourse from war the powers have established a peace tribunal at The Hague. It is open at all times and ready for business and there is a growing sentiment in the world that it ought to be relied upon in the settlement of all international questions which do not involve a definite point of honor.

In view of all these obstacles to wars, the chances of a conflict between Russia and Japan over a matter which may be arbitrated, seem remote.

LOCAL BREVITIES.

(From Saturday's Daily.)

Senator J. D. Paris of Hawaii is in town.

The Manoa valley and part of town had a storm resembling a cloudburst last night.

Noa W. Ahuli was admitted to practice in the Federal court yesterday, on motion of Attorney General Andrews.

Geo. C. Hewitt, lately manager of Hutchinson plantation, has been licensed to practice law in the lower courts.

W. P. Fennell has resigned as deputy assessor and collector for Kau district, Hawaii, and Dr. Schwallie is reported to be out for the job.

Former Circuit Judge R. D. Silliman has forwarded cards from San Francisco to friends here, announcing that he has opened offices at No. 230 Crocker building.

Eben P. Low of Hawaii was elected a member of the executive committee of the National Live Stock Association, whose annual convention in Portland, Ore., he attended.

Henry Martin of St. Louis, a famous manager in the junior branch of the Y. M. C. A., is coming to Honolulu to superintend Boys' Brigade work. Theodore Richards has sent him a hurry up cablegram.

(From Monday's Daily.)

The engagement of Mr. Arthur E. Carter of Honolulu and Miss Lucinda Awana of Maui is announced.

Gibson Bell arrived from Hilo in the Kinai to take the position of stenographer for the Supreme Court.

Philip Peck, the Hilo banker, arrived in the Kinai to attend a meeting of the Kohala-Hilo Railway co.

Governor Carter and party will be entertained at the home of Rev. Stephen L. Desha, Hilo, by the Aloha Aloha Society.

A Chinese found dead, with his throat cut, in a labor camp at Onomea, Hawaii, was declared on investigation to have committed suicide.

Rial's World Entertainers will arrive here from Australia on April 9 and give performances at the Orpheum until April 29. On the latter date the Walter Sanford Company will arrive from Australia and play at the Orpheum until May 4. A Webber & Field Co. will arrive from the coast on May 11 and remain until June 1. The Webber-Field companies are fun-makers of the highest order.

John Kakina, district magistrate of Hanalei, is dead. He was 66 years of age and had been prominent in politics.

A Japanese is in jail at Lihue charged with the assassination of G. H. Glendon by means of dynamite at Makaweli.

PHYSICIAN.

DR. MILAN SOULE—Office removed to 121 Geary street, Residence, Palace Hotel, San Francisco, Cal.

Aching Joints

In the fingers, toes, arms, and other parts of the body, are joints that are inflamed and swollen by rheumatism—that acid condition of the blood which affects the muscles also.

Sufferers dread to move, especially after sitting or lying long, and their condition is commonly worse in wet weather.

"It has been a long time since we have been without Hood's Sarsaparilla. My father thinks he could not be without it. He has been troubled with rheumatism since he was a boy, and Hood's Sarsaparilla is the only medicine he can take that will enable him to take his place in the field." Miss Ada Doty, Sidney, Iowa.

Hood's Sarsaparilla and Pills

Remove the cause of rheumatism—no outward application can. Take them.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, T. J. Lowrey, C. M. Cooke)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Machinery of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, January 25, 1904.

NAME OF STOCK.	Capital.	Val.	Bid	Ask
MERCANTILE.				
Brewer & Co., Ltd.	\$1,000,000	100	.....	875
SUGAR.				
Ewa.....	5,000,000	20	.....	19 1/2
Haw. Agricultural Co., Ltd.	1,000,000	100	.....	45
Haw. Com. & Sugar Co., Ltd.	2,312,750	100	.....	46
Hawaiian Sugar Co., Ltd.	2,000,000	100	.....	21
Honolulu Sugar Co., Ltd.	750,000	100	.....	12
Honolulu Sugar Co., Ltd.	2,000,000	20	.....	12
Honolulu Sugar Co., Ltd.	500,000	100	.....	20
Kilauea Plant Co., Ltd.	2,500,000	100	.....	20
Kilauea Plant Co., Ltd.	100,000	100	.....	180
Kilauea Plant Co., Ltd.	500,000	100	.....	180
McBryde Sugar Co., Ltd.	3,500,000	100	.....	180
Oahu Sugar Co., Ltd.	3,500,000	100	.....	180
Onomea.....	1,000,000	20	.....	180
Onomea.....	500,000	20	.....	180
Oloahu Sugar Co., Ltd.	5,000,000	20	.....	180
Oloahu.....	150,000	100	.....	180
Panama Sugar Plantation Co., Ltd.	5,000,000	50	.....	180
Panama.....	500,000	100	.....	180
Panama.....	750,000	100	.....	180
Papeete.....	250,000	100	.....	180
Pioneer.....	2,750,000	100	.....	180
Waialua Agri. Co., Ltd.	4,500,000	100	.....	180
Waialua.....	700,000	100	.....	180
Waialua.....	252,000	100	.....	180
STEAMSHIP CO'S.				
Wilder S. S. Co., Ltd.	500,000	100	.....	110
Inter-Island S. S. Co., Ltd.	600,000	100	.....	125
MISCELLANEOUS.				
Haw. Electric Co., Ltd.	500,000	100	.....	55 1/2
H. R. T. & L. Co., Ltd.	1,000,000	100	.....	80
H. R. T. & L. Co., Ltd.	1,000,000	100	.....	80
Mutual Tel. Co., Ltd.	150,000	100	.....	70
O. R. & L. Co., Ltd.	4,000,000	100	.....	85
Hilo R. Co., Ltd.	1,000,000	20	.....	17
BONDS.				
Haw. Gov't, 5 p.c., 1905	.....	.....	.....	97
Haw. Gov't, 4 p.c., 1905	.....	.....	.....	97
Hilo R. Co., 5 p.c., 1905	.....	.....	.....	101
Hilo R. Co., 5 p.c., 1905	.....	.....	.....	101
Hilo R. Co., 5 p.c., 1905	.....	.....	.....	104
Ewa Plant, 6 p.c., 1905	.....	.....	.....	104
Oahu Plant, 6 p.c., 1905	.....	.....	.....	104
Oahu Plant, 6 p.c., 1905	.....	.....	.....	104
Oahu Plant, 6 p.c., 1905	.....	.....	.....	100
Kahuku 6 p.c., 1905	.....	.....	.....	100
Pioneer Mill Co., 6 p.c., 1905	.....	.....	.....	100

METEOROLOGICAL RECORD.

By the Government Survey, Published Every Monday.

Day	Jan.	Barom.	Therm.	Humidity	Clouds	Wind	Force
Jan. 1	10.30	30.00	69	75	56	5	SE
Jan. 2	10.30	30.00	72	75	10	6	

On Shore and Facing Eastward

SOUTHERN PACIFIC offers

Choice of Routes and
Choice of Trains

"SHASTA ROUTE"—Oregon Express.

"OGDEN ROUTE"—New Overland Limited.

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WHEN MORMONS INSULTED FLAG

Editor Advertiser, Mr. Thos. Fitch's article, on "The Mormon Prophet," in the Sunday Advertiser was a most instructive, and in the main, one of the most fair-minded histories of Brigham Young that I have read. He is right in most of what he says of the Mormons, but I do disagree with him in one particular where he says: "I was never able to see the need of governmental interference with the Mormons."

No people who observe the laws of the United States need have any fear of governmental interference, but I recall to mind one very striking incident in the history of Mormonism which occurred in Salt Lake City in 1885, or 1886, I do not remember the year, which is an illustration of such an extreme necessity. It occurred on July 4, the nation's birthday, when the American flags were hoisted to the highest points in honor of the day, from most buildings in the Mormon capital.

I was riding in a street car and as it neared the City Hall a great crowd was noticeable at the front entrance and massed about the base of the flagstaff. I looked up and saw the American flag at half-mast and upside down. In the crowd around the flagstaff were several of the Mormon police, one, Charles Crow, with a revolver in his hand. Another was Major Edmund Wilkes, son of Admiral Wilkes, U. S. N., well known as Commodore Wilkes to Hawaiian kamaeas. Major Wilkes served in the Confederate army, but he was there that day to support the American flag. He demanded that it be properly raised and Crow said that he would shoot any man who interfered with the flag—they (the police) had raised it, and it would stay there until he was ready to take it down.

Major Wilkes was backed by other Gentiles (any one in Utah who is not a Mormon is a Gentile). A telephone message had already been sent to Fort Douglas, three miles distant, to Col. Alexander D. McCook, and he started a large detachment of soldiers to town in the ambulances. Wilkes was soon reinforced, however, by a number of Gentiles from a big Gentile business house, and soon a fireman climbed up the pole to the cross-trees, readjusted the flag and then hauled it to the top of the pole amid cheers.

On that same day in many of the Mormon settlements, where few or no Gentiles were to be found, the American flag was trailed in the dust in processions.

Col. Fitch was not in Utah at that time and does not know from personal observation why there was need of governmental interference.

A GENTILE.

BIRTHDAY OF THE EMPEROR

On Wednesday, January 27th, the German residents of Honolulu will celebrate the birthday of the Emperor, Mr. H. A. Isenberg, German Consul, will hold a reception at the Consulate. Through the courtesy of Mr. H. Wingate Lake the Alexander Young Hotel roof garden will be used for a concert on that evening and Captain Berger promises that the Territorial Band will produce music appropriate for the occasion. Mr. Lake wishes it understood that all Germans who want to spend the evening on the roof garden will be made welcome and it is not unlikely that there will be some informal dancing in the pavilions.

Emperor William II. of Germany was born on Jan. 27, 1859.

Two Generals Coming.

On the next transport from Manila en route to the Coast, Brigadier-Generals Lee and Wint will probably be passengers. When the orders reached Manila it was understood that Wint was wanted for a departmental command and Lee to join the proposed force in Colombia under General Bell. General Lee has been on duty at Batangas, and Wint at Iloilo, Pasay, commanding the Department of the Visayas.

PEOPLE WE KNOW

They Are Honolulu People
and What They Say is of
Local Interest.

When an incident like the following occurs right here at home, it is bound to carry weight with our readers. So many strange occurrences go the rounds of the press; are published as facts, people become skeptical. On one subject skepticism is rapidly disappearing. This is due to the actual experience of our citizens, and their public utterances regarding them. The doubter must doubt no more in the face of such evidence as this. The public statement of a reputable citizen living right in Honolulu, one whom you can see every day, leaves no ground for the skeptic to stand on.

Mrs. N. Joseph lives at the corner of Liliha and King streets, this city. She states as follows: "I was troubled for seven months with a lame back, and also suffered from occasional attacks of chills. These various complaints made my condition by no means a happy one, so that I much desired some remedy which would bring relief. This I found in Doan's Backache Kidney Pills, some of which I obtained at the Hollister Drug Co.'s store. I am pleased to say that they gave me not merely temporary but permanent relief and I have not the least hesitancy therefore in recommending Doan's Backache Kidney Pills. They are a good kidney medicine."

Doan's Backache Kidney Pills are for sale by all dealers at 50 cents per box, (six boxes \$2.50). Mailed by the Hollister Drug Co., Ltd., Honolulu, wholesale agents for the Hawaiian Islands.

TEREDO NAVALIS.

It may not be uninteresting to some of our readers to know something of this little mollusk, and of its fearful cost to the navies and general shipping of the world, to say nothing of all wooden structures such as wharves, dikes and other constructions where the waters of the ocean ebb and flow. This little animal in embryo is microscopic. It floats at the fickle will of the tide until it meets and adheres to some suitable material in which it decides to make its future abode. From the moment that it adheres to its selected nucleus it begins to bore with its wonderfully constructed auger formed of two cup-like shells hinged by strong cartilaginous muscles at the lower edges, and which move together like the lips of forceps, turning as they touch each other. Thus, with the aid of the solvent properties of the water, the wood is reduced to a soft pulp and passes to one of the creature's intestines, then by a vermiform motion is forced to the orifice and out into the surrounding water. This little animal enters by a very small orifice, which is only enlarged sufficiently to admit of the inflow of the sea water and the expulsion of the excrement and wood pulp from its progressive boring. As the animal grows in length so it increases in diameter, tapering from the head downward to the tail, which is always held at the opening, and so controls the inflow of water and the expulsion of foreign matter. The body is absolutely without bone, being capped at the upper end by the shell auger, and guarded at the lower end by two small arrow-shaped calcareous shafts, which are firmly fixed on each side near and above the end of the tail, and serve the double purpose of clearing the opening of sediment and of keeping out intruding enemies.

The worm grows as it bores, and that always upward from the mud line in the wharf structures or horizontally with floating bodies. It shields its home as it progresses with a thin shell secreted from its own organs, and thus the sides of the hole are made smooth to its gelatinous body. They not infrequently attain the length of twenty-two or more inches, and three-fourths of an inch in diameter. Under no conditions, however, do they ever remove the guard from the hole through which they receive a fresh supply of water to regulate the work of boring, and for the animalcule therein contained, from which the supply of food is derived. The digestive organs are very simple, and appear only as an enlarged portion of the intestines, where the food rests and is absorbed, the rejected portion passing on with the wood pulp from the process of boring. As the body is semi-transparent, the intestinal canal may be seen from without and traced the entire length, always full of the woody pulp in progress of expulsion. It requires care to remove the worm entire from its habitation, as local circumstances compel it to make frequent curves in its course of boring. Upon careful examination, the shelly cups or cutters are increased in size with the growth of the animal by regular secretions not unlike the growth of the oyster shell, and are always sharp and flinty on the inner or cutting edge. The French and German scientists have made many experiments to enlighten them on the life and habits of this little animal, and in some instances, smoothly planed pieces of wood were exposed to their ravages, and from time to time removed from the water and examined under the microscope, shavings of the wood being removed so as to judge of the progress made in the animal's life and the extent of work in a given time. Even in the hardest wood their work was perceptible from day to day. The dikes of Holland were at one time constructed largely of woody material, but the material proved insubstantial before this subtle and hidden invader. The ingenuity of man has been exhausted in devising some reasonably cheap protection from this irresistible destroyer of all woody substances that come within its reach.

RETURNING THE FAVOR.

"And which do you favor, your father or your mother?" asked the visitor.

"Ma," replied Bobby, "because she don't whip me. But I look more like pa, everybody says."—Cincinnati Times-Star.

Dogrel—"The editor was good enough to glance over my poem, so I hastened to assure him it was entirely original."

Friend—"And what did he say?"

Dogrel—"He said he knew that at once. He didn't suppose I had ever seen it in print anywhere."

JOS. FINN IS INDICTED Released on Bond of \$1000 With Sureties.

Joseph Finn was arrested yesterday afternoon, under a bench warrant issued by Judge Robinson on a indictment by the grand jury. He is charged with assault with intent to commit murder in connection with the shooting of Hugh Rooney. Finn gave a bond to appear in the sum of \$1000, with H. E. Gares and Chas. H. Bellina as sureties, thus securing his liberty until called for arraignment and trial.

M. G. Silva was arrested under indictment for selling liquor without a license. He was immediately arraigned, but allowed to reserve his plea until tomorrow.

MORE INCOMPETENT JURORS.

One of a special venire for twelve men issued by Judge Robinson on Saturday, the following were returned yesterday to serve as jurors: H. F. Davidson, Sam. M. Kamakau, E. R. Bivens, Harry Armitage, H. W. Lake, Geo. K. Kallil, L. de L. Ward and S. Wm. Spencer. Davidson and Armitage were excused for business reasons. Geo. K. Kallil, on being drawn for a jury, was challenged for cause because he had not a sufficient knowledge of English, and the court excused him for the term. Ward was excused on account of not being a citizen.

Four of the venire were not served with summons. P. M. Lansdale was one. He had left the Territory some months before he was wanted as a juror. Another was Robert Kekipi, who has been a sick man on Molokai for a while past. William Pa and James Kanohi could not be found after diligent search.

AN OLD INDICTMENT.

Kondo, whose indictment for assault with a dangerous weapon has been on the secret file since November last, was brought into court yesterday and arraigned. He pleaded not guilty.

Judge Robinson sustained the demurrer to Senada's indictment for malicious injury, but held the defendant for further action by the grand jury.

LONG TRIAL STARTED.

Jack Morgan was placed on trial be-

A FAIR EXCHANGE.

Large sums of money are no doubt realized from simple speculation, but the great fortunes are derived from legitimate and honest business—where the goods furnished are worth the price they bring. Certain famous business men have accumulated their millions wholly in this way. Prompt and faithful in every contract or engagement they enjoy the confidence of the public and command a class of trade that is refused to unstable or tricky competitors. In the long run it does not pay to cheat or deceive others. A humbug may be advertised with a noise like the blowing of a thousand trumpets, but it is soon detected and exposed. The manufacturers of WAMPOLE'S PREPARATION have always acted on very different principles. Before offering it to the public they first made sure of its merits. Then, and then only, did its name appear in print. People were assured of what it would do, and found the statement truthful. To-day they believe in it as we all believe in the word of a tried and trusted friend. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. It aids digestion, drives impurities from the blood, and cures Anemia, Scrofula, Debility, Influenza, Throat and Lung Troubles, and Wasting Complaints. Dr. Louis W. Bishop says: "I take pleasure in saying I have found it a most efficient preparation, embodying all of the medicinal properties of a pure cod liver oil in a most palatable form." It is a scientific remedy and a food with a delicious taste and flavor. One bottle convinces. "You cannot be disappointed in it." Sold by chemists here and everywhere.

fore Judge Robinson yesterday morning for seduction, the complaining witness being Irene Lucille Edwards. E. C. Peters, Deputy Attorney General, appeared for the Territory; Chas. Creighton and J. M. Vivas for defendant. The following jury was found satisfactory and sworn: Sam. M. Kamakau, H. W. Lake, John C. Lane, E. R. Bivens, Albert Lucas, Edward Dekum, Willard E. Brown, William Dunbar, S. William Spencer, J. M. Dowsett, J. C. Cohen and John Isaac.

The trial was expected to last two or three days and the jurors not engaged were excused until Thursday morning. At adjournment yesterday the cross-examination of the complaining witness had not been concluded.

DIVORCE SUITS.

Judge De Bolt granted a divorce to Rosalie Freeman against W. K. Freeman on the ground of non-support. The complaint alleged desertion by the husband since May, 1899. Stewart for libellant; no appearance of or for libellee.

Nina I. Flint vs. Harry W. Flint, divorce, came before Judge Robinson on the matter of alimony. The libellee was ordered to pay \$25 a month temporary alimony, \$50 attorney's fee and costs of court, allowance to begin from date of suit and sixty days allowed for payment of fee and costs.

DEFENSE WAS GOOD.

Judge De Bolt tried the case of Kwong Mow vs. Killona and Kanamu, an action of tort. Defendant Kanamu took possession of land which she had already leased to plaintiff. There was a condition of the lease, however, empowering her to take possession at any time in default of conditions. On this showing the jury found a verdict for the defendants. E. A. Douthitt for plaintiff; W. C. Achi for defendants. The jurors were S. K. Ahi, J. C. Axtell, Edmund Norrie, G. D. Mahone, C. J. Ludwigen, C. H. Clapp, D. J. Styne, Henry Cook, Jos. Andrade, Jos. Aea, James Armstrong and Geo. Dillingham.

JUDGE GEAR'S CHAMBERS.

A motion to compel the executor to account, in the matter of the estate of Antonio Rosa, deceased, was taken under advisement after hearing by Judge Gear, Mr. Anderson of Hatch & Ballou appeared for James Hoare, petitioner; Lorrin Andrews for John F. Colburn, executor.

The application by Goto for a writ of habeas corpus was continued by Judge Gear until Feb. 1 by consent. A continuance to the same time was ordered in the habeas corpus matter of Funakoshi Tatsugoro.

Kapilani Estate, Ltd., vs. W. R. Castle, trustee, et al., and J. H. Fisher, garnishee, was partly heard on demurrer before Judge Gear yesterday morning, and continued until Tuesday, Feb. 9, Mr. Derby for plaintiff; Mr. Weaver for defendants.

GEAR'S TERM WORK.

Judge Gear excused A. A. Young from service as a trial juror for the January term.

S. P. Kahikina vs. Charles Lilihi, action for trespass, was continued until February 1.

J. C. Axtell vs. H. E. Hendrick, malicious prosecution new trial came up on motion for commission to take testimony. Judge Gear took the matter under consideration until tomorrow. C. C. Bittling for plaintiff; Robertson & Wilder for defendant.

TWO CASES COLLAPSE.

Yee Wo vs. Lum Yip, assumption, came on for jury trial before Judge Gear. C. F. Peterson for plaintiff; L. Andrews for defendant. The following jury was sworn: Frank E. Blake, Southard Hoffman, Jr., H. E. Webster, J. J. Sullivan, C. B. Osborne, H. P. Kauli, J. A. McCandless, W. F. Joehar, E. H. Wodehouse, Joseph Kala, L. K. Nakea and George Kalalulu. After the trial had proceeded some time, the court granted a nonsuit with costs against plaintiff.

The next case also collapsed in the midst of the trial. It was that of Lai San Kee vs. Goo Wai Hoy. F. M. Brooks appeared for plaintiff; L. Andrews for defendant. The following jury was sworn: R. H. Worrell, J. Shaw, H. P. Roth, R. W. Davis, J. A. McCandless, F. E. Blake, W. F. Erving, H. E. Webster, John Edwards, Geo. Makalena, E. P. Chapin and J. J. Sullivan. A bill of sale having been discovered which Mr. Brooks had not not of, he asked that the case be dismissed without prejudice. The request was granted with costs against plaintiff.

ON CLERK'S FILE.

Father H. Valentin petitions that he be appointed guardian of Manuel Poderoso, insane, a lunatic and an inmate of the Insane Asylum. The subject of petition is about seventy years of age, has living one son of about twenty-five years and owns property valued at about \$1700.

FORECLOSURE SUIT.

Abigail K. Campbell Parker has brought a suit to foreclose mortgage against Alice Herriek and Charles P. Herriek, claiming \$4500 principal on promissory note, \$442.50 interest and \$350 attorney's fee. It is further alleged that the taxes on the property are in default \$86.85 for 1902 and \$68.29 for 1903, and a claim of interest on these sums is also made. The mortgaged property is situated at Kewalo and Heulu streets, Makiki, and contains an area of 16,517 square feet.

PNEUMONIA always results from a cold or an attack of influenza. Chamberlain's Cough Remedy quickly cures these ailments and counteracts any tendency toward pneumonia. It is made especially for these and similar ailments and can always be depended upon. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

U. S. COURT CLEARANCE Sentences Passed and Cases Put Over.

Judge S. B. Dole had a sort of clearing out session of the Federal court yesterday. Being the last day of the Honolulu term, something had to be done with cases remaining on the docket. Matsuoke Bunji, Nakamaru Juske and Shigamatsu, belonging to the eighty in the blanket indictment for conspiracy to defeat United States laws, came up for sentence on their pleas of guilty. They confessed after having been arrested and were used as witnesses in the trials of others. Judge Dole took these circumstances into account and gave the light sentence of imprisonment three months and payment of costs.

Yoshi, a woman of the combination, was nolle prosequi and discharged. Sakichi Matsuoke was released by the same process, as there had been a flaw in the evidence against him.

Wada, changing his plea to guilty, was sentenced for six months. Twelve cases of the same list were continued till next term, bail in each being reduced to \$1000. Judge Dole heard argument on the constitutional point raised in the case of Miyamura, convicted of conspiracy, being that evidence seized without a search warrant could not legally be admitted against an accused person.

HAKUOLE SENTENCED.

James K. Hakuole, who pleaded guilty of embezzling public money while employed as interpreter and cashier in the Internal Revenue office, was brought up for sentence. J. W. Cathcart made an earnest plea for leniency. He said the defendant made an honest record as interpreter in the courts, a position that afforded opportunity for crooked work. It appeared he had used small sums from official collections, without other intention than to restore the amount when possible. There was no intent to rob the Government. Hakuole was supporting a family of seventeen persons, including a wife and child, and the money he unwisely borrowed was for his household necessities.

Judge Dole, coinciding with the attorney's sentiments, said:

"My observations have led to the conclusion that embezzlement is generally committed without an intention to be dishonest. It is usually by persons who are not alive to their responsibilities as trustees of funds and who take money for their immediate use with a clear and definite intent to make it up the next day, or when it is convenient. It is done without any definite idea of wrong and, particularly with a Hawaiian, without deliberation. Not a lot is taken for speculation, but a few dollars to spend on necessary expenses with the idea of making it up. The minimum sentence of the federal law is heavy for a certain class of cases, and this is one of them. I understand that the defendant has paid back all he has taken. I would gladly make the punishment less than the requirements of the statute, as I feel that a lesson has been learned. The United States has had so much difficulty in protecting its finances in the variety and complexity of its official system, however, that Congress saw fit to take strong precautions and provide heavy punishments, to educate and deter people from this class of offenses. The minimum penalty in this case is six months' imprisonment and a fine equal to the amount embezzled, which is \$164, with costs, and that is the sentence of the court."

WAS LOST IN THE COUNTY SHUFFLE

Lying on one of the Wilder Steamship Company's wharves is a big iron safe which bears the legend, in gilt letters:

"SHERIFF OF HAWAII."

And back of this safe there is a story. It is said the steamship company is holding the safe until somebody pays the freight on it. Originally the safe was in the office of Sheriff Andrews at Hilo. When County Government went into effect the police department of the Island of Hawaii was divided into two sections. The County of East Hawaii controlled that part of the island and the County of West Hawaii the other part. So the property in the Sheriff's office at Hilo was divided, part to go to Kailua, to the County of West Hawaii, and the remainder to remain in Hilo for the Sheriff of the eastern county. This safe was one of the things to be sent to West Hawaii. It was loaded on the Kinai at Hilo for shipment to Kailua, via Honolulu. When the steamer bearing the safe arrived here it was learned that the Supreme Court had knocked out the county act. There was no longer any Sheriff in West Hawaii, so that it was useless to send the safe on its journey to Kailua. It could not be returned to Hilo for there was no authority for such shipment and there probably would not be any payment forthcoming for the round trip of the safe. So it remains on the Wilder wharf, waiting for order to be restored out of chaos in government affairs and incidentally for an order from Sheriff Andrews as to what shall be done with this portion of his office furniture.

Albert Waterhouse, Allan Herbert and Mr. Halsey are recent acquisitions to the Honolulu Chess Club. Although Tuesday is the regular assembly night for play as well as business, those desiring a game of chess can be accommodated almost any afternoon or evening.

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- The Standard Oil Company.
- The George F. Blake Steam Pump.
- Weston's Centrifugal.
- The New England Mutual Life Insurance Company, of Boston.
- The Aetna Fire Insurance Company, of Hartford, Conn.
- The Alliance Assurance Company, of London.

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TOURS ARE ARRANGED

President Alberger of the Nippon-California Tourist Company has notified the Hawaii Promotion Committee that his company is meeting with favorable returns in booking tourists for its first tour to Hawaii which is scheduled to leave San Francisco on January 30, the party arriving here February 5.

The head of the tourist company states also that he has opened a branch office in Los Angeles and that the general manager of the company will be there during the spring months making a specialty of Hawaiian tours. He says that although his company has been in the field only a short time, they have made a vigorous campaign to obtain tourists and from the indications the outlook is encouraging. He expresses the belief that his company will have a good business for the six tours now being arranged.

Secretary Boyd received in the Coptic mail notice that the general passenger agents of the railroads in all parts of the mainland have notified their agents of the establishment of the branch office in San Francisco of the Hawaii Promotion Committee. The passenger agents also notified the local office that Hawaii has been placed on their reference schedules for through passenger traffic.

A curious letter was received in the same mail from a prospective settler. He asks for detailed information about Hawaii, saying that everything he has so far read about the islands has impressed him favorably.

"I am very desirous of creating a home there," he adds. "I intend, if possible, to get me a home for fruit raising, and I want a place somewhere away from labor unions which have become the curse of the country."

A letter from Somers, Montana, was received from a firm engaged in the raising of small fruits and plants. The firm states that it has \$5,000 to invest, and desires to purchase land here if there is an opening for a business of their kind. This is the second letter received from the same firm.

In this connection Secretary Boyd states that he has sent four letters to a local corporation owning extensive tracts of lands, asking if they have any lands for such prospective buyers, but so far has heard nothing from them.

Another inquirer wants to know the prospect for engaging here in the butter and eggs business. He desires, if the opportunities are favorable, to engage in the business on a large scale. One reason for his leaving the mainland, his home being in the middle states, is that the winters are too severe for him.

WAILUKU'S FINE SCHOOL BUILDING

The Maui News gives the following description of the schoolhouse to be built at Wailuku, which the Superintendent of Public Works said the other day was to be of rustic Hawaiian stone:

"Elaborate plans in blue print, also a voluminous copy of specifications are in the hands of Mrs. Austin, school agent at Wailuku, where they may be seen by prospective bidders. Judging by the plans submitted the building will be quite a handsome structure when completed, well worthy of Wailuku, and the lovely site selected will add to its charms. The building will face the sea, and will contain eight school rooms and an assembly room, all on the ground floor. The front entrance will be in the middle of the front, through a handsome porch which opens into a hallway leading back to the assembly room. There will also be an entrance at either end of the building, opening into a hallway which runs across the building, thus dividing each of the schoolrooms from the others by a hallway. The schoolrooms will be large, light and airy, with due attention to arrangement for lights and for ventilation. New and improved seats and desks are to be furnished, so that each schoolroom will compare favorably with any city school in the States. Washrooms, and hat and cloak rooms are provided, and water will be piped into the building.

"The assembly room is directly behind, and opens into the two rear schoolrooms, which are to be separated from it by sliding doors which can when occasion requires, be thrown open, thus throwing the two schoolrooms and the assembly room into one large room, capable of seating several hundred people. The roof will be mansard, and the effect of the completed building, viewed from the front, will be very handsome and striking."

HAWAIIAN BOATS IN THE ORIENT

About a week ago an incoming steamer reported the four-masted barkentine Koko Head as being outside. It has since transpired that the craft referred to was the U. S. S. Vicksburg which was on her way out to sea at the time. The skipper who supplied the information has since been called upon to stand several drinks.

The four-masted barkentine Makawell arrived in port on Thursday after having had to tarry outside for several days waiting for enough water to enable her to cross the bar. The Makawell is a fine and comparatively new vessel and is named after a town in the Hawaiian Islands—Shanghai Times.

AKANA IS A MERCHANT**Important Finding by the Secretary of Commerce.**

A decision by Secretary Cortelyou of the Department of Commerce, which has a far-reaching effect on Chinese coming here, or returning to the Islands from a visit to China, was received by Immigration Commissioner Brown, whereby a well known Chinese named Chu Kin, otherwise known as Akana, is released from custody and is now free to walk the streets of Honolulu again.

The case of Akana is one which is unique in decisions regarding Chinese, both under the Exclusion Act and the Immigration laws. Akana is probably the first Chinese to receive a favorable decision of this nature.

Chu Kin has been a resident of Honolulu for the past twenty years, was engaged in the wholesale and retail fish business, and had a fleet of six boats with which he caught his own supplies. He went to China for a visit. He took out papers here which represented him as a merchant. On his return to Honolulu Commissioner Brown refused to permit him to land on the ground that under the law he was a laborer and not a merchant. The law is to the effect that any one engaged in taking, drying or selling fish shall be considered a laborer.

Attorneys Whiting and Clemons took up Akana's case and the matter was brought to the attention of Secretary Cortelyou by Commissioner Brown. A cablegram was received yesterday announcing briefly that Akana was free.

Akana, while having half a dozen boats to catch fish, did not fish personally, but was engaged in the wholesale and retail fish business at the market. He was, technically speaking, within the law, but was in reality a merchant. This is believed to be the first case of the kind to be decided in the new department. The Immigration Commissioner appreciated the fact that Akana was a good citizen but the law was stern and he was compelled to keep the man in custody until a decision was reached at Washington.

Akana is said to have done about \$25,000 worth of business annually.

Jap Procurers Sentenced.

Judge Dole yesterday morning sentenced Sekimoto, Yonehara, Kanazawa and Yamakawa, the four Japanese who confessed their guilt as having violated the Federal statute regarding prostitution, to eighteen months' imprisonment each and to pay costs.

When asked if they had anything to say, one of the quartet said that when the case began he thought he was not guilty, but the evidence had convinced him of his error. Yonehara said he did not know that he was committing any wrong when he joined the now famous "Ten Dollar Club." Each asked for light punishment. The attorney for the Japanese asked that a light sentence be imposed on the ground that the Japanese knew not the difference in the moral code as viewed from the American and Oriental standpoints. The U. S. District Attorney advised against the lessening of the punishment.

CATTLE HERD RAN OVER HIM

A peculiar accident occurred during the week near Pearl City. A little boy, about six years of age, was riding in a wagon driven by one Gleason. A herd of cattle was encountered and the horse shied. Gleason got out of the wagon to take the horse's head when the animal bolted. The little fellow was thrown out in front of the herd, and it is said that sixty head of cattle passed over and around him. When picked up he was unconscious but soon recovered. He was not much hurt.

FORMER RESIDENT BURNED TO DEATH

Mrs. Clara Lounsberry, a former resident of Honolulu, was burned to death at the home of her father, W. H. Wagner, in San Francisco on Saturday, January 9. The evening being cool, Mrs. Lounsberry was building a fire in the parlor grate, when her dress caught fire and she was burned so badly that she died within three or four hours. There was nobody in the house but herself when the accident happened, and the unfortunate woman's screams brought neighbors to her assistance all too late.

Mr. Wagner buried his daughter at Stockton. In a letter to Sam, McKeague, an old friend here, he says he is heart-broken, Clara having been all he had left. Mr. Wagner will be remembered as the manager of the People's Ice Works here for some time. Mrs. Lounsberry obtained a divorce from her husband in Honolulu.

IN AMERICA Chamberlain's Cough Remedy is a great favorite with the mothers of small children for colds, croup and whooping cough. It contains no harmful substance and always gives prompt relief. Sold by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.**CARTER'S HAWAII TOUR**

(Continued from Page 1.)

"The new administration does not have the wisdom of the old, but I hope it will have the energy to bring prosperity and wealth to Hawaii in a larger measure than in the past. I want a legislature next time that will work with the executive for the best interests of the people of Hawaii. The representatives you have already sent, have come back and told you of the difficulties they have met there. Now I want to make those difficulties as light and easy as possible for them. There are a great many important improvements and laws that we require and we need all to work together. I want to give the representatives that you send there the benefit of the experience I have gained in handling your affairs—at the same time I want from your representatives the knowledge that they will bring of your wishes. We want besides our schools and good roads, law and order maintained, and we also want if possible some reduction in the expenses and the lightening of the burden of taxation.

"When I look around and see you all, you representative men of the soil, you men who labor, it gives me the greatest satisfaction to be among you.

"The object of my visit is to get acquainted with you. It is easier for me to come to you than it is for you to go to Honolulu. I want to meet you, get acquainted with you and find out your needs.

"I hope that during my administration, Divine Providence will so guide my acts that when I retire at the end of four years there will be many of you Hawaiians who will feel that the Territorial government is a good government—is one that satisfies and pleases you. And I hope that you will be patriotic and help me in every way you can.

"Now to you old gentlemen that are in this audience, with your gray hairs to which we all show respect—born under the Hawaiian flag, reared under it, and filled with an aloha for it, I say to you that I respect the aloha you have for it and if you want that flag to be your Territorial flag and fly over your buildings, I say let it fly; but we say also to you that a change has come here, and the wisest and best man believe that change is for your benefit.

TALK WITH ROOSEVELT.

"In one of the few conversations I had with the President of the United States, Theodore Roosevelt, he said to me, 'I want an administration in Hawaii that respects, satisfies and pleases the people of that country who were born there. I want the children born in Hawaii to grow up to respect and revere the Stars and Stripes; and so I say, I hope at the end of my four years, I will find Hawaiians—grown-up young men, who, when asked what they are, will not say as so many of them say, 'We are Hawaiians,' but will say, 'We are Americans,' and a part of that great union which has done so much to raise humanity up and done so much for the races of every color and every flag and every clime.

"Now as I close I will be very glad indeed if Mr. Holstein will call on some of you to tell me of your wants. Do you want new roads or new wharves, or new schoolhouses or new buildings? Or do you want new homesteads—or what?

"I want to again thank you for the hospitality you have shown. It is characteristic of Hawaii. Their hospitality is equalled by no other people and I want to tell you that no matter what comes I will not forget you nor the way you have come out here today. It gives me the greatest encouragement and if the Hawaiian people will work with me I will do everything in my power for their benefit. Our delegate in Congress was a schoolmate of mine and it gave me the greatest pleasure to write to him and give him all the assistance I can. I believe he will accomplish as much in Congress as any individual can. Aloha." (Prolonged applause.)

SOME PILIKIA.

Naili, a native, next had the floor, and talked of the needs of the valley beyond Pololu which he said was in "pilikia." He evidently didn't like it because the party didn't go there and investigate.

SENATOR KAOHI TALKS.

Senator Kaohi said in part: "Let us not take into consideration the fact that the Governor is the progeny of a missionary. He was born in Hawaii and is a Hawaiian and we should do all we can to help him."

WHERE IS COUNTY ACT?

"I want to ask one question," said Ben, a native who had no other name. "That is, why was the County Act knocked out? Can the Governor explain that?"

"I only wish I knew," replied the Governor. "If I knew I might find a way of changing it, because I have always stood for the County Act—I always believed the government was too centralized; and if we can get a County Act through Congress we are going to try and do it. If we fail in Congress, like the man who falls down, we can only get up and try again."

"HE IS WITH US."

"I have heard the governor's answer," said Ben, "and I can see he is with us for county government and I trust my impertinence will be pardoned."

Joe Hussey also spoke in Hawaiian, saying that as the governor favored the district as the first one to be visited he knew he would help the people of Kohala.

KANILHO'S FLOWERY WORDS.

"We have heard the remarks of the governor," said Representative Kanilho, "and we can only believe what the governor says; he is looking after our interests. There are two kinds of men, some who look after their children and some who don't, like bees. It is for us to work out our own

salvation. The bees fly about gathering honey and make one deposit. So with the governor, we pay our money to this one man and if we rely on the governor and follow his advice we will have honey and plenty. His color may be white, but that is no fault of his. He was born in these Islands and is as much a Hawaiian as you are. I stand today as an American citizen and he stands as an American citizen, but he is no better American than I am or than we all are. But the deepest interest he takes is in Hawaii. The governor has told us that if we love Hawaii we must love the Hawaiian flag and if you love that flag, I say let us subscribe and get one. I see only the American flag flies here today and the Hawaiian should be here also."

"The governor will supply a Hawaiian flag if you wish it," said Mr. Holstein.

"In this land of flowers, where we see only flowers and nothing but floral decorations, there is none that is the equal of Kanilho's flowery language," said the governor. Laughter greeted this sally.

CHEERS FOR ATKINSON.

At this stage Representative Kanilho called for three cheers for Secretary Atkinson which were given with a will by the hundreds of men, women and children present. He was then called upon for a speech.

"I want to tell you," said Secretary Atkinson, "that I am up here to watch the Governor (laughter). I am here to look after your interests, and if the Governor makes promises to you, tell you he is going to give you something, I am going to see that he does it."

"The Governor has been telling you that he intended to use every effort to have the County Act passed by Congress. After the Supreme Court declared the County Act void, I was instructed to cable our representative that it was the wish of the administration that he urge the passage of the County Act by Congress. Now, gentlemen, that is the policy of the administration in relation to the government by the people and that is going to be the keynote of the whole administration, if I can speak for Mr. Carter. But before we can do anything we want your help. I will say this, that even if we have the County Act, there is still work for the Territorial administration. In education, in the police, in public works, etc. We won't be able to carry on this government unless we have your help—unless you send representatives to the legislature who are in accord with the administration. We want to show the American people that we are capable of self government. If we go on scrapping as we have in the past, Congress will say you cannot govern yourselves. Therefore I say to you we must all work together and show ourselves capable of governing this country—and then we can make a success of county government."

"We have new men—we are starting on a new era, and when you send representatives to the legislature, we want people who will stand by us and we will support them. Now I think it very fortunate that we have come into the administration at this time. There are \$2,400,000 to be spent in the next two years; and, now understand, every cent of that amount will be spent. A million is now in the treasury; Kapiolani has the key. That two million dollars is not the money we pay for taxes—it is the money realized from the sale of bonds. Besides that we have our current funds receipts. We are coming here and want to know what you wish to have expended first. If we spend twenty per cent on your appropriation here we will have to spend the same per cent on Oahu, Maui and Kauai. Coming up here, I find that you have no room for a jailer. He sleeps in one of the cells (laughter). In the appropriation bill there is \$400 for a jailer's cottage. At the same time I find that there are \$41,000 appropriated for the schoolhouses on Hawaii. You are going to get some of that money (applause). And, gentlemen, with your help it shall be spent as you wish. I thank you for this most hospitable reception and I assure you that it shall always be treasured in my memory."

AN IMPROMPTU BANQUET.

The Kohala Club by the way enjoys the distinction of being the only social organization of its kind in the Islands, outside of Honolulu. It is composed of the best people of the Kohala district, and they manage to keep alive the social life of that out of the way portion of the world in a manner that would surprise the people of Honolulu.

An impromptu banquet was served the governor's party at the clubhouse, by Senator Woods, one of its leading members. In addition to the members of the party, Senator Kaohi, J. T. McCrosson, A. B. Loebenstein, H. L. Holstein and Senator Woods were present. Following a very nice supper, toasts were called for by Gov. Carter. A. B. Loebenstein responded to "The President," eulogizing President Roosevelt, and asking that his high standards be followed out in demonstrating the ability of the Island people. Gov. Carter responded with the expression that it was not the legislature which was at fault and which caused the criticism of "incompetency" so much as the class of men sent to that body. He said that if the people elected the best men to represent them in the legislature, the cry of incompetency would never be heard again. He said he intended to do his best to show that the people of Hawaii were fitted to govern themselves.

Mr. X. visited in Lafayette st.

Mr. X. visited in Lafayette st. an apartment to rent. The noise of vehicles, however, was something terrible. "Goodness, but one can't sleep here for the noise!" he exclaimed.

"Oh," replied the janitor, "you won't notice it after a month."

"All right, then," said X. "I'll come back after a month."

**Ayer's Cherry Pectoral**

cures coughs and colds, even hard coughs and old colds.

Mrs. A. White, of Fitzroy, Victoria, says: "I had a very hard cough night and day. I tried many remedies, but without relief. I thought my lungs were nearly gone. I then tried Ayer's Cherry Pectoral. I began to improve at once, and only one and one-half bottles completely cured me."

There are many substitutes and imitations. Beware of them! Be sure you get Ayer's Cherry Pectoral. Two sizes. Large and small bottles. Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO., Agents.

MAN IN THE CABOOSE**JACK RUMSEY'S SECRET FOR SECURING SLEEP.**

A Missouri Pacific Railroad Conductor Tells How He Prevents the Wreck of His Nerves.

A great deal of fatigue and anxiety is housed up in the little red box that swings at the tail end of every freight train and shares in every jolt of the string of heavy cars that precedes it on the rails. The men in it are good, hearty fellows who bear cheerfully the hazards connected with the great problem of transportation. They are astir night and day on a vast network of lines, and the sympathies of tens of thousands of peaceful little homes go with them on their runs. The great public must have its supplies, and these are the men who must get them through at the cost even of their lives.

Mr. Jack Rumsey, of Council Grove, Kansas, is an energetic, frank, good-natured member of this brotherhood, and he bears a load of worries that makes it necessary for him to seek help to keep his excited nerves from wearing him out. He says:

"What troubled me most was my inability to get sleep when the chance came, and a most irritating sensitiveness of my whole nervous system, growing out of the irregularities and anxieties connected with my daily work. Three or four years ago a clerk in the superintendent's office of the Missouri Pacific at Osawatomie advised me to use Dr. Williams' Pink Pills for Pale People. I acted on his advice, and got help right away. So I keep them on hand all the time, and whenever the strain begins to tell on me I take a few doses. They quiet down my excited nerves, and make it possible for me to sleep just like a child. They are mighty good medicine for a railroad man. That is the absolute truth as far as my experience goes, and I am right glad to recommend them."

Dr. Williams' Pink Pills for Pale People are unlike other medicines because they act directly on the blood and nerves. They are a positive cure for all diseases arising from impoverished blood or shattered nerves. They are sold by all dealers, or will be sent postpaid on receipt of price, fifty cents a box, or six boxes for two dollars and fifty cents, by addressing Dr. Williams' Medicine Company, Schenectady, N. Y.

Fresh Vegetable Seeds

IN

5ct. Packages

Just Received

Complete Assortment

Hollister Drug Co.

FORT STREET.

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Your Sugar Crop

Depends on the right quantity and quality of Ammoniates it has to feed upon. Nitrogen (Ammonia) being the principal material removed from the soil by sugar cane.

A few dollars' worth of

Nitrate of Soda

(The Standard Ammoniate)

fed to each acre of growing cane, will give surprising results.

Planters should read our Bulletin giving results of Agricultural Experiment Station trials. They are sent free. Send name on post card.

WILLIAM S. MEYERS,

Director.

12-16 John St., New York, U. S. A.

SITUATIONS WANTED.

A SITUATION as sugarboller by competent and experienced man. Address A. B., this office. 6584

Hamburg-Bremen Fire Insurance Co

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of

F. A. SCHAEFER & CO., Agts

German Lloyd Marine Insurance Co OF BERLIN.

Fortuna General Insurance Co OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., General Agents.

General Insurance Co. for \$20 River and Land Transport. of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

"The Overland Limited"

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To the EAST via

The Union Pacific

This Train is really a

First-Class Modern Hotel

with Handsome Parlors, Drawing Rooms, Bed Chambers, Boudoirs, Libraries, Smoking and Reading Rooms, Barber Shops, Bath Rooms (hot and cold water), superbly appointed Dining Rooms, glittering with Mirrors, Cut Glass, Fragrant Flowers, Electric Candelabra, etc.; Promenades, Observation Rooms, Electric Lights, Electric Fans, Telephones, Electric Reading Lamps, Perfect Heat, etc.

RUNS EVERY DAY IN THE YEAR

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Omaha, Neb.

Iolani—Goal, Nottley; full backs, J. Keawe, J. Kelleit; half backs, H. Andrews, J. Anderson, M. Anderson; forwards, G. Desha, C. Macfarlane, M. Simpson (Captain), J. Woo and A. Williams.

Pacifics—Goal, W. Dulsenberg; full backs, S. Bearmore (Captain); A. S. Guild; half backs, J. Shafer, J. Stokes, J. Nott; forwards, R. A. Churton, L. G. Blackman, J. Catterall, J. Gray, J. Henry; Reserves, J. L. Brett; referee, Mr. Waldron.

The Malle-Cables defeated the Punaheue yesterday in the Junior Association football game, the score being 1-0.

Historical Honolulu

OR A CENTURY OF

HAWAIIAN EVOLUTION.

This valuable record of the most important events in the History of Honolulu for the past hundred years was compiled and published at great expense in 1899.

Its historical and descriptive articles are by the very best recognized authorities on Island matters and are handed from absolutely impartial standpoints.

It is finely illustrated and contains portraits and biographical sketches of the principal business and professional men of the Islands.

This is a publication that no student of Hawaiian History can afford to be without. A limited number of copies still for sale by The Hawaiian Gazette Co., Ltd.

Substantial Cloth Binding

50 cents per Copy

THE VOICE OF THE PEOPLE

Editor Advertiser: Well, well, well, but we are in a pretty snarl over the County Act and in a way, Mr. Editor, which you predicted in large type, Congress is taking the Act in hand, not to ratify it, for, since the Supreme Court's decision we have no County Act to ratify, but to use it as the basis for a new Federal enactment which will take the larger powers of home rule completely out of our hands.

Wouldn't that jar people who sought the County Act so as to get more power for the public? Wouldn't it hurt those who believed in the new law as a means of getting away from centralization? For if Congress enacts a Federal County law it cannot constitutionally delegate the power of amendment to a local legislature but must keep such matters in its own hands. As for centralization, is that of Congress to be preferred to that of our own legislature and Territorial government?

As things stand, or will stand if Congress goes ahead, we cannot amend the most trivial phase of the Act without going 5000 miles to a law-making body which is buried to the shoulders in more important work. If we want to raise a milkman's license or lower it; if we want to expunge the sportsman's license; if we want to strengthen the powers of the Supervisors for the regulation of nuisances; if we want to exercise the commonest legislative privileges of a self-governing county not specifically conferred by the Federal enactment, back to Congress we must go and take our chances. And yet some of us hurried at Town Meeting for a reference of the County bill to Washington because we wanted more independence, more home rule, more decentralization!

Let me repeat: The late County Act, if adopted by Congress will not be our County law but a special County law of the United States. Nor will it be the same, in its Federal form, as we made it in its Territorial form. Congress proposes to take out and add to it. That body would remove the anti-carpetbagger clauses; it objects to our methods of taxation; it is inclined to adopt all of Gov. Dole's recommendations including the one expressing his dissent to the transfer of Territorial property, especially that in the hands of road authorities, to the counties. As the debate proceeds one man will inject something into the law that he knows would be good for Tennessee, another, something that he has seen work well in Rhode Island, another, a clause that pleased the whiskered grangers of Kansas and a few to please people who don't like Hawaii; and the result will be a crazy quilt of a County law under which we will have a nightmare whenever we go to sleep.

And yet we are all hurrying for Hatch and Breckons and the rest of them and assuring each other in simple, not to say veiled confidences, that Congress, like the King, can do no wrong. So let's all stand by while the Devil takes the hindmost.

O. P. S.

THE GALBRAITH CONSPIRACY.

Editor Advertiser: Justice Galbraith's attacks on his Republican associates of the Supreme Court mark the introduction, for the first time, of Democratic strategy to the judicial affairs of the Territory. Galbraith is a Democrat who was appointed as such by

President McKinley so as to save the Supreme bench of the Territory from the reputation of being a partisan court. The Hawaiian public will agree with the conclusion, I think, that he has been a judge in politics as well as a politician in the judiciary; and that he is now doing the best he can, from motives of a party as well as a personal sort, to bring odium upon high Republican appointees who are his colleagues in ermine.

The quadrennial election is coming on in which expansion will be put on trial. Everything which might be twisted to show that the Republicans have made a bad fist in the country's insular possessions, will be utilized in the Democratic campaign. How glibly it might be said that President McKinley elevated to the bench of Hawaii and President Roosevelt sustained there, two characterless Republican adventurers who made decisions to order for their friends; and that only the presence of a noble Democratic jurist, unsullied and unbought, kept the Supreme Court of this Territory from becoming a mere bartering ground where injustice was exchanged for stock.

Doubtless Galbraith wishes to pose for all he is worth as the hope of the Judicial situation here, so, if a Democratic President should be elected next fall, he would be called upon to consult with the new administration as to the court patronage of the islands. As a politician by nature and a carpet-bagger by training, he finds these possibilities greatly to his liking. He now knows that he cannot get a reappointment from President Roosevelt and has let his organ, the Bulletin, announce his withdrawal from the race. But if a Democratic President should come in, behold Galbraith, demanding the removal of Frear and Perry—who will probably be reappointed—upon the charges already formulated by himself. Then, if he succeeded, what more available candidate for Chief Justice would there be than Galbraith with the possibility of his old "law" partner Little, and that able tuncification Gear as Associate Justices.

Here is the political game as it is working, and whether it comes out or not will depend on the result of the Presidential contest.

VIGILANTE.

ONLY AN INNOCENT QUESTION.

Editor Advertiser: I merely want to know you know, apropos of the developments in the "Fidelity" case if the "Gear-hul" ever goes into anything that will stand the microscope—politically, professionally or commercially?

MAHATMA.

Dole Goes to Hilo.

The Hilo session of the Federal Court will be opened next Wednesday by Judge Dole. When the Kinau sails for Hilo next Tuesday the Judge will be accompanied by Assistant District Attorney Dunne, Deputy U. S. Marshal Frank Winter and Deputy District Court Clerk Hatch. With the grand and petit jurors from Honolulu the party will be about forty strong. Judge Dole expects to return to Honolulu about ten days after the hearing. Judge Dole thanked the trial jurors yesterday morning for their work during the session just ended.

Cretinot was very ignorant and very egotistical.

"I have decided," he confided to a friend, "to write my memoirs." "But you do not know how to read or to write," replied his friend. "Oh, that makes no difference. I'll buy a typewriter!"

WHARVES FOR FISH MARUS

Don't you ever hear of John Henry's lobster trust, did ye? Well, if ye had I was goin' to say that this here live fish corporation beats John Henry's scheme all hollow. Fact is that man Pain is a wonder. He's organized them Jap sampan men into a pretty close-fisted outfit. The Japs were to get together, so to speak, and drive the Chinese out of business. They may do this here thing but I can tell you that they are all going to be up against it pretty lively."

Old Pete Johnson, "yes, sir, bo'sun's mate, sir," stood near the old channel wharf yesterday afternoon and surveyed a portion of the harbor in which there has been considerable activity of late. The promoters of "Pain's Fish-eries, Ltd.," or the "Live Fish Corporation," have been doing things down that way. Old Pete sizes up the situation in this wise:

"You see, this man Pain he's sort of next to things. He saunters along these wharves looking for any old thing to turn up just like you or me would. You 'an' I go 'long smoking these here pipes and thinking kind of leisurely like, but he rides along in his kerridge and thinks at a two-minute clip. He organizes this fishing business and gets a hold of a young steamer to go out and buy fish right off the hooks along the reef. But bimeby he kind o' thinks that perhaps his profits as a middleman won't be extra heavy and like the man in a poker game he decides he'd better git another string for his bow. You know when a feller is a playing of poker and things come 'round so he has an ace, king, queen and jack of clubs in his hand he'd draw he feels sort of shaky. Some other fellow opens the pot with a pair of jacks and he just raises every other fellow out o' the game except the feller who opened the pot on the jacks. Then they draw cards. The fellow who had the jacks to go in on don't better 'em. Then the feller who had the bob-tail-straight-fish is looking for a ten spot of clubs mightly bad. Now you know if he don't get that ten spot of clubs he's mighty glad to get another ace so's he can beat the other fellow's jacks anyhow. This here is a sort of circumlocuted way of getting at it, but it illustrates my pint. The King of the Fish Trust thinks perhaps that the commission business won't pay. If it fails he wants another thing. So he sees about a hundred Japanese sampans anchored up against the sea wall near this here wharf. He ses to himself: 'By chiminy! Ain't this a free and independent American country? Now here's a whole lot of hawthen Japanese. Suppose they anchor there. Who does they pay for it?'

"After cogitating this about a minute he goes to the navy station. He dis- covers that them Japs don't pay a bloomin' cent for American privileges. Then he pipes off to the admiral or the watchman or somebody at the navy station about his great live fish idea. His remarks are appreciated as the vapors of an illuminated man and the navy fellow ses: 'Go ahead, my good friend, just put your live shark tails in that space and it will cost you nothin'."

"Next day along comes a gang of men and stakes. They marks off that shallow water and here 'an' there drive a few dozen stakes. They connect these with boards making wharves about three feet high and two feet wide. They is about seven or eight or nine of them wharves with lots of room between to drive the sampans in. Then he takes pipes and lays on small water mains to furnish fresh water to all them wharves. Then with a bucket of red paint he decorates the whole shootin' match, and then with white paint he makes spaces about eight feet apart along the wharves. He puts numbers on these, one, two, three, four like and then he tells all the Japanese in the company of high-binders what has previously been assembled that each man must have a wharf and each boat must pay two dollars every month for wharfing privileges. He's got some eighty-five of those wharf spaces and I guess almost all of 'em are filled up by this time."

"When I went to skule back in Bangor I used to be pretty pert at figgers, so I set the whole scheme on this block of wood. It figgers out this way: Cost of wharfage and water system on the start, about \$310. Cost of water for a year, about fifty dollars. That's his working capital. I make no charge for collections—he'll likely do them himself—and I reckon the Japs will repair the wharves when needs be. That's an investment all told of three hundred and sixty dollars. Now for revenue. They's eighty-five spaces at two dollars a month. That's a hundred and seventy dollars. They's twelve months in a year. That makes his total revenue at two thousand and forty dollars. That's a profit of sixteen hundred and ninety dollars. What I can't quite figger out is just how many 'hundred per cent profit on the original investment that is. Can you tell me?"

Old Pete knocked the ashes from his pipe and after I had permitted him to refill it from my stock of Old Virginia, he pointed out that each sampan now bore a number. The sampan which had paid two dollars for "number two" still bore "number two" on its bow. Now shipmasters do not need to get muddled when they see these sampans off port. No. 9 is not a pilot boat. It is simply, "No. 9 Fish Maru, of the Live Fish Corporation, Pain's Wharves, Honolulu."

Pete promises to keep tab on the scheme and let me know how it progresses later.

BAD COMPLEXIONS

Dry Thin and Falling Hair and Red Rough Hands Prevented by

CUTICURA SOAP.

MILLIONS use CUTICURA Soap exclusively for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of baths for annoying irritations, inflammations, and chafings, or too free or offensive perspiration, in the form of washes, for ulcerative weaknesses, and for many sanative antiseptic purposes which readily suggest themselves to women, and especially to mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA Soap combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients and the most refreshing of flower odours. No other medicated soap ever compounded is to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines in ONE SOAP at ONE PRICE, the best skin and complexion soap, the best toilet and best baby soap in the world.

Complete External and Internal Treatment for Every Humour. Consisting of CUTICURA SOAP, to cleanse the skin and scalp of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching and irritation, and soothe and heal, and CUTICURA Resolvent, to cool and cleanse the blood, sold throughout the world. Australian Agents: E. TOWNS & CO., Sydney, N. S. W. Sole African Depot: LESSON LTD., Cape Town. "How to have Beautiful Skin, Hair, and Hands," Free. POTTER CO., Boston, U. S. A. Sole Importers, CUTICURA PREPARATIONS.

DR. J. COLLIS BROWNE'S CHLORODYNE

IS THE ORIGINAL AND ONLY GENUINE.

Coughs, Colds, Asthma and Bronchitis.

DR. J. COLLIS BROWNE'S CHLORODYNE.—Vice-Chancellor SIR W. PACE WOOD stated publicly in court that DR. J. COLLIS BROWNE was undoubtedly the INVENTOR OF CHLORODYNE; that the whole story of the defendant, Freeman, was deliberately untrue, and he regretted to say it had been sworn to. See the Times, July 13, 1894.

DR. J. COLLIS BROWNE'S CHLORODYNE is a liquid medicine which assuages PAIN OF EVERY KIND, affords a calm, refreshing sleep WITHOUT HEADACHE, and INVIGORATES the nervous system when exhausted. IS THE GREAT SPECIFIC FOR CHOLERA, DYSENTERY AND DIARRHOEA.

The General Board of Health, London, reports that it ACTS as a CHARM: one dose generally sufficient.

Dr. Gibson, Army Medical Staff, Calcutta, states: "Two doses completely cured me of diarrhoea."

DR. J. COLLIS BROWNE'S CHLORODYNE is the true palliative for NEURALGIA, GOUT, CANCER, TOOTHACHE, RHEUMATISM.

DR. J. COLLIS BROWNE'S CHLORODYNE rapidly cuts short all attacks of EPILEPSY, SPASMS, COVIC, PALPITATION, HYSTERIA.

IMPORTANT CAUTION.—The immense sale of this Remedy has given rise to many unscrupulous imitations.

N. B.—Every Bottle of Genuine Chlorodyne bears on the Government Stamp the name of the Inventor, DR. J. COLLIS BROWNE. Sold in bottles of 1s 6d, 2s 9d and 4s 6d, by all chemists.

Sole Manufacturers, J. T. Davyport, Limited, London.

CONTRACT DECIDES IT**CHURCH LOSES CASE.**

James W. W. Brewster vs. F. J. Church, trespass on the case, came on for trial before Judge Gear yesterday morning. A. H. Crook appeared for the plaintiff; E. A. Douthitt for the defendant. The following jurors were mutually found satisfactory: John J. Sullivan, Herbert C. Austin, Harry E. Webster, John Edwards, R. H. Worrell, Wm. F. Jocher, J. M. Webb, E. H. Wodehouse, Jonathan Shaw, David Halemann, Frank E. Blake and Elam P. Chapin.

A directed verdict was returned for the plaintiff in the sum of \$1000 with interest of six per cent per annum from Sept. 9, 1903. Mr. Douthitt noted exceptions and gave notice of motion for a new trial.

The issue came out as one of law, in the construction of a contract, hence the direction of the court to find a verdict for the plaintiff. It was a contract whereby Church agreed to sell his half interest in the Honolulu Photo Supply Co. for \$3000 to Brewster, who paid down \$1000 as earnest money to be refunded after ninety days if Brewster could not effect a partnership with Mr. Warren, partner of Mr. Church. Brewster in due time tendered the balance of \$2000 to Church for concluding the transaction, but Church declined to make the sale for lack of ability to sell without the consent of Warren. The defendant was not allowed to give evidence regarding Warren's part in the transaction, the issue being confined strictly to the written contract.

NEW JURORS.

Deputy Sheriff Albert McGurn made return to Judge Gear of the following named jurors as summoned: Charles Hummell, Charles P. Osborne, Henry P. Roth, George Kalalulu, George Childs, Elam P. Chapin, John Kahue, H. P. Benson, B. S. Gregory, George Makalena, Robert Ball, Joseph Kala, Lewis C. King, William F. Jocher, Henry P. Kaohi, David Goldstein, Southard Hoffman, Jr., Henry Puh, R. H. Worrell, J. Alex. Lyle, H. C. Austin, E. R. Bath, Andrew T. Bannister, Jonathan Shaw, Frank Hustace, Charles S. Crane, R. W. Davis, Frank E. Blake, Levi K. Nakea, David Halemann, J. J. Sullivan and William F. Erving. Several of these were excused.

PNEUMONIA always results from a cold or an attack of influenza. Chamberlain's Cough Remedy quickly cures these ailments and counteracts any tendency toward pneumonia. It is made especially for these and similar ailments and can always be depended upon. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

RUSSELL COLEGROVE

Russell Colegrove, whose name is familiarly connected with the misfortunes of the ill-fated steamship City of Columbia, which arrived here from Seattle in the fall of 1898, and later foundered off the coast of Nihaue, is now spoken of in the Manila papers as a "rising young financier."

Colegrove gave evidence of his financial ability to have the City of Columbia tied up in Honolulu in a number of suits against the captain for having been kept in irons on the trip. A young lady named Rema Bernier was the object of Colegrove's affections on the trip down, to which he transported strenuously objected, and the young lady also got into the courts, with E. Cayless, also a passenger, as an attorney in the case. It was a family mix-up all around, and ended in the steamship being sold for a song to Captain Walker of Honolulu.

The latter fitted the vessel out for a voyage to the Orient, but when the vessel was off Nihaue she suddenly tilted and was deserted in a foundering condition. Colegrove, after many interesting experiences in Honolulu, finally departed for Manila, where he eventually became engaged in business, and promoted a number of enterprises. One was a big steamship company which was to ply its vessels on a route covering Singapore, Manila, Honolulu and Seattle, which however, failed to materialize.

Colegrove is now occupying the exalted position of Vice-Consul for the United States at Canton. The Manila Times, remarking on his new position and his penchant for financiering, says: Russell Colegrove, formerly traffic manager of the Philippines Transportation Company, and recently appointed vice-consul for the United States at Canton, is reported to have embarked in a gigantic financial deal in that city with great show of success. He is said to have organized the largest stock company in China for the purpose of loaning the Chinese government one million taels (the tael is the Chinese unit of large values and is valued at about seventy cents gold). Colegrove has a reputation here as a promoter. He came to the islands shortly after the American occupation with plenty of experience and little money. He turned his attention to the lighter facilities of Manila harbor and thought he saw a way greatly to improve them. With this idea fondly locked in his heart he returned to New York, and with the assistance of his father and other influential relatives and friends, was primarily instrumental in the organization of the Philippines Transportation Company. He returned to these islands as traffic manager of this company, opened its present offices here and subsequently resigned to accept an appointment in the consular service of the United States.
